

## RETIREMENTS.

## INDIAN ARMY.

No. 853.—The undermentioned officers have been permitted by the Most Hon'ble the Secretary of State for India to retire from the service, subject to His Majesty's approval, with effect from the dates specified :—

Major-General Sir Henry Montague Pakington Hawkes, K.C.B., C.S.I.,—29th August 1911.

Major Cecil Herbert Peterson, 46th Punjabis,—17th November 1911.

Major John Rattray Nuttall, 1st Battalion, 8th Gurkha Rifles,—11th October 1911.

No. 854.—In Army Department Notification No. 805, dated the 22nd September 1911, notifying the retirement of Major Walter Fitz Alan Stewart, Supply and Transport Corps, for "21st September 1911," read "22nd September 1911."

## INDIAN MEDICAL SERVICE.

No. 855.—Lieutenant-Colonel Charles Norman Bensley, Indian Medical Service, Bengal, has been permitted by the Most Hon'ble the Secretary of State for India to retire from the service, subject to His Majesty's approval; with effect from the 12th November 1911.

## VOLUNTEER CORPS.

## APPOINTMENTS, PROMOTIONS AND RESIGNATIONS.

*Calcutta Port Defence Volunteer Corps.*

(*Naval Divisions.*)

No. 856.—Sub-Lieutenant Albert George Hough resigns his commission. Dated 1st August 1911.

*Chota Nagpur Light Horse.*

No. 857.—Second Lieutenant George Frederic William Bapty to be Lieutenant, *vice* H. C. Veasey, V.D., promoted. Dated 1st April 1911.

William Hutton-Williams to be Second Lieutenant, *vice* G. F. W. Bapty, promoted. Dated 1st April 1911.

*Cossipore Artillery Volunteers.*

No. 858.—Quarter Master and Honorary Lieutenant John Toohey is granted the honorary rank of Captain. Dated 1st September 1911.

*Cawnpore Volunteer Rifles.*

No. 859.—Quarter Master and Honorary Lieutenant William Cole to be Lieutenant, *vice* P. Scott, promoted. Dated 23rd January 1911.

*2nd Battalion, The Madras and Southern Mahratta Railway Rifles.*

No. 860.—Surgeon-Captain Edulji Sorabji Chenai resigns his commission. Dated 1st September 1911.

*Poona Volunteer Rifles.*

No. 861.—Second Lieutenant Alfred Charles Rowan resigns his commission. Dated 18th August 1911.

*1st Battalion, Bengal-Nagpur Railway Volunteer Rifle Corps.*

No. 862.—The correct name of Second Lieutenant Henry Edward Fairfax Atkins is as now stated and not as notified in Army Department Notification No. 232, dated the 24th March 1911.

## MEDALS AND DECORATIONS.

No. 863.—His Excellency the Governor-General of India is pleased to confer the Volunteer Officers' Decoration upon the undermentioned officer :—

*Coorg and Mysore Rifles.*

Captain Herbert Martin Mann,

M. H. S. GROVER, Major-General,  
Secretary to the Government of India.

## ARMY DEPARTMENT.

## NOTIFICATION.

Simla, the 13th October 1911.

Statement of Deposits on account of Estates between the 13th September and 10th October 1911.

On whose account.	Rank.	Corps.	Date of Decease.	Testate or Intestate.	Total unclaimed amount deposited.	Date to which claims will be received.
Guy Vivian Lindsell*	Lieutenant	37th Deccan	13th May 1911.	Intestate	Rs. A. P. 214 5 4	Claims should be submitted to the Administrator-General of Bengal.

\* Next-of-kin.—Father.—Mr. Arthur Knox Lindsell.

Address.—Bank House, Evesham, Worcestershire, England.

M. H. S. GROVER, Major-General,

Secretary to the Government of India.

## MARINE DEPARTMENT.

Simla, the 13th October 1911.

## PROMOTIONS.

No. 70.—The following promotion is made in the Royal Indian Marine, *vice* Chief Engineer C. J. I. Jones, Royal Indian Marine, retired, with effect from the 10th September 1911 :—

To be Chief Engineer on Rs. 400 per mensem.

Engineer J. Lush, Royal Indian Marine.

No. 71.—The following promotion is made in the Royal Indian Marine, *vice* Chief Engineer E. G. Venn, Royal Indian Marine, retired, with effect from the 5th October 1911 :—

To be Chief Engineer on Rs. 400 per mensem.

Engineer T. H. Knight, Royal Indian Marine.

M. H. S. GROVER, Major-General,

Secretary to the Government of India.

## RAILWAY DEPARTMENT.

(RAILWAY BOARD.)

## NOTIFICATIONS.

Simla, the 11th October, 1911.

No. 263.—Mr. J. Adam, Superintending Engineer, is, on return from leave, appointed Deputy Engineer-in-Chief, Oudh and Rohilkhand State Railway.

No. 264.—In the first column of the schedule annexed to the Notification of the Government of India in the Railway Department, No. 230, dated the 24th August 1911, specifying the taxes payable in aid of the funds of certain local authorities by the Administration of the Madras and Southern Mahratta railway,

for "Ambur ditto" read "Ambur Union;"

for "Arkonam Municipality" read "Arkonam ditto;"

for "Rajampeta Municipality" read "Rajampeta Union;"

for "Anantapur ditto" read "Anantapur Municipality;"

for "Chittoor ditto" read "Chittoor Union;"

for "Gudivada Municipality" read "Gudivada Union."

*The 12th October, 1911.*

No. 255.—It is hereby notified for general information that the Railway Board have sanctioned the construction of a railway on the metre gauge from Rajabhatkhawa, a station on the British section of the Cooch Behar Railway, to Dalsingpara, a length of 17.43 miles, as an integral part of the Eastern Bengal State Railway.

The project will be known as the Rajabhatkhawa-Dalsingpara branch of the Eastern Bengal State Railway.

No. 263.—Mr. J. J. Silvester, District Locomotive Superintendent, Eastern Bengal State Railway, in Class II, grade 1, of the Superior Revenue Establishment of State Railways, is, on return from leave, posted to the Oudh and Rohilkhand State Railway and appointed to officiate as Deputy Locomotive and Carriage Superintendent of that railway, with temporary rank in Class I, until further orders.

No. 267.—With reference to Railway Board Notifications No. 61 and No. 266, dated 3rd March 1910, and 12th October 1911, respectively, Mr. H. G. N. White, Officiating Deputy Locomotive and Carriage Superintendent, Oudh and Rohilkhand State Railway, on relief by Mr. Silvester will revert to his substantive appointment of District Locomotive and Carriage Superintendent.

No. 268.—Mr. E. Hunt, District Locomotive Superintendent, in Class II, grade 4, of the Superior Revenue Establishment of State Railways, is temporarily transferred from the Eastern Bengal State Railway to the Oudh and Rohilkhand State Railway, *vice* Mr. C. J. Silvester, District Locomotive Superintendent, proceeding on combined leave.

No. 269.—With reference to Railway Board Notification No. 191, dated the 19th July 1911, Mr. A. K. Muirhead, Assistant Store-Keeper, North Western State Railway, in Class III, grade 3, of the Superior Revenue Establishment of State Railways, continues to officiate as a Store-Keeper in Class II of that establishment, with effect from the 1st September 1911, during the absence of Rai Bahadur Milki Ram, Store-Keeper, on privilege leave.

No. 270.—Mr. F. V. Mahony, Assistant Store-Keeper, North Western State Railway, in Class III, grade 3, of the Superior Revenue Establishment of State Railways, is appointed to officiate as a Store-Keeper in Class II of that establishment, with effect from the 1st September 1911, *vice* Mr. C. F. Langer, Store-Keeper, on privilege leave.

No. 271.—With reference to Railway Board Notification No. 193, dated the 19th July 1911, Mr. E. B. Thorpe, Office Superintendent, Chief Store-Keeper's Office, North Western State Railway, continues to officiate as an Assistant Store-Keeper, with effect from the 26th August 1911, and until further orders.

*The 13th October, 1911.*

No. 272.—Mr. J. H. Heap, Executive Engineer, is, on return from leave, attached to Inspection Circle No. 3, Lucknow, until further orders.

R. C. F. VOLKERS,

*Secretary, Railway Board.*



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SIMLA, SATURDAY, OCTOBER 21, 1911.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

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## PART I.

Government of India Notifications, Appointments, Promotions, &c.

### HOME DEPARTMENT.

#### NOTIFICATIONS.

##### JUDICIAL.

Simla, the 18th October, 1911.

No. 1545.—In exercise of the power conferred by section 527, sub-section (1), of the Code of Criminal Procedure, 1898 (Act V of 1898), the Governor General in Council is pleased to direct the transfer of the criminal case, *King-Emperor versus Tafazzal Hussain*, accused under section 209, Indian Penal Code, from the Court of the District Magistrate, Pyapon, to that of the District Magistrate, Sultanpur.

The 19th October, 1911.

No. 1574.—In exercise of the power conferred by section 138 of the Negotiable Instruments Act, 1881 (XXVI of 1881), the Governor General in Council is pleased to appoint Mr. F. J. M. Ingoldby, Solicitor, to be a Notary Public and to exercise his functions as such in Upper Burma.



## MEDICAL.

*The 18th October, 1911.*

No. 1044.—The under-mentioned officers are placed on special duty, with the suite of His Majesty the King-Emperor during the Royal visit, with effect from the dates noted against each:

1. Lieutenant-Colonel R. Bird, C.I.E., I.M.S., Professor of Surgery, Medical College, Calcutta, and *ex-officio* Surgeon to the College Hospital ..... 27th November 1911.
2. Rai Hira Lal Basu Bahadur, Senior Demonstrator of Anatomy, Medical College, Calcutta ..... 1st November 1911.

*The 19th October, 1911.*

No. 1053.—The services of Captain C. C. C. Shaw, M.D., I.M.S., are placed temporarily at the disposal of the Chief Commissioner of the Central Provinces.

## PORT BLAIR.

*The 20th October, 1911.*

No. 904.—Mr. E. H. Thirkell-White, 5th (officiating 2nd) Assistant Superintendent, Port Blair, is granted privilege leave for one month and thirteen days, with effect from the 16th December 1911.

No. 907.—Mr. A. L. F. Evans, 7th (officiating 4th) Assistant Superintendent, Port Blair, is granted privilege leave for one month and twenty-six days, with effect from the 11th November 1911.

## PUBLIC.

*The 20th October, 1911.*

No. 4248.—The Governor-General in Council directs that the officers who rank in Articles 32 and 60 of the Warrant of Precedence shall, while at Delhi in connection with the Imperial Durbar, be considered to be within their respective charges, but that those included in Article 32 shall rank below the Commissioner of the Delhi Division.

No. 4262.—Under the provisions of Section 9 of the Statute 24 and 25 Vict., Cap. 67, the Governor General in Council is pleased to direct that His Excellency's Council shall assemble at Delhi in the jurisdiction of the Lieutenant-Governor of the Punjab.

A. EARLE,

*Secretary to the Government of India.*

## DEPARTMENT OF EDUCATION.

## NOTIFICATIONS.

## ARCHÆOLOGY.

*Simla, the 20th October, 1911.*

No. 399.—The services of Pandit Daya Ram Sahni, Assistant Superintendent, Archaeological Survey, attached to the Office of the Director General of Archaeology in India, are placed at the disposal of the Government of the United Provinces, with effect from the date on which he is relieved of his duties in the Office of the Director General.

No. 400.—Babu Rakhai Das Banerji, Excavation Assistant, is appointed to be Assistant Superintendent, Archaeological Survey, substantively *pro tempore* with effect from the date on which he takes over charge of his duties, and is attached to the Office of the Director General of Archaeology in India.

## ECCLESIASTICAL.

*The 20th October, 1911.*

No. 465.—The Revd. W. G. Burroughs, a Senior Chaplain on the Bengal (Rangoon) Ecclesiastical Establishment, is permitted to retire from the service, with effect from the 2nd February 1912.

## SANITARY.

*Simla, the 16th October, 1911.*

No. 1979.—The following telegram is published for general information :

Telegram dated Therapia, the 14th October 1911.

From—His Britannic Majesty's Ambassador Extraordinary and Plenipotentiary at Constantinople,  
To—His Excellency the Viceroy.

Regulation issued by Sanitary Board states that Indian pilgrims coming to Syrian Ports *via* Egypt will be given free pratique on production of certificate that have undergone ten days observation in Egypt. Failing this they will be sent to Beirut Lazaret to fulfil quarantine. Egyptian authorities will not allow Indian pilgrims to land in Egypt. Pilgrim ships leaving India should be prepared to land these pilgrims in quarantine at Beirut, otherwise if on arrival at Suez they are not allowed to land and ship refuses to go to Beirut, pilgrims will be placed in unfortunate position. Regulations do not apply to passengers other than pilgrims.

*The 20th October, 1911.*

No. 2001.—Captain J. Cunningham, M.D., I.M.S., is confirmed in the Bacteriological Department, with effect from the 1st September 1911.

L. PORTER,

*Secretary to the Government of India.*

## FOREIGN DEPARTMENT.

## NOTIFICATIONS.

*Simla, the 16th October, 1911.*

No. 2884-*Est.-A.*—Mr. S. S. Waterfield, a Political Assistant, is posted temporarily as First Assistant to the Agent to the Governor General and Chief Commissioner, Baluchistan, with effect from the 27th September, 1911.

No. 2885-*Est.-A.*—Mr. A. N. L. Cater, a Political Assistant, is posted as Assistant Political Agent, Zhob, with effect from the 21st September, 1911.

No. 2886-*Est.-A.*—Captain T. H. St. G. Tucker, a Political Assistant, is posted as Assistant Political Agent, Kalat, with effect from the 26th September, 1911.

No. 2887-*Est.-A.*—Captain E. H. S. James, a Political Assistant, is placed on special duty under the orders of the Agent to the Governor General and Chief Commissioner, Baluchistan, with effect from the 26th September, 1911.

*The 17th October, 1911.*

No. 2897-*Est.-A.*—Mr. J. H. R. Fraser, a Political Assistant, is posted as District Judge, Peshawar, with effect from the 25th September, 1911.

No. 2898-*Est.-A.*—Captain C. E. Bruce, a Political Assistant, is posted as City Magistrate, Peshawar, with effect from the 26th September, 1911.

No. 2902-*Est.-A.*—Mr. A. R. Jelf, a Political Assistant, is posted, on return from leave, as Assistant Commissioner, Mardan Sub-Division, with effect from the 3rd October, 1911.

No. 2907-*Est.-A.*—Major J. H. Hugo, D.S.O., Indian Medical Service (Bengal), an Agency Surgeon of the 2nd class, was granted privilege leave for the period from the 7th August to the 7th September, 1911, both days inclusive.

No. 2908-*Est.-A.*—Captain T. Crawford Boyd, Indian Medical Service, officiating Medical Officer, 5th Light Infantry, was appointed to hold charge of the current duties of the office of Agency Surgeon in Bundelkhand, in addition to his own duties, for the period from the 7th August to the 7th September, 1911, both days inclusive.

*The 18th October, 1911.*

No. 2915-*Est.-A.*—Captain G. F. W. Anson, a Political Assistant, is granted privilege leave for two months and two days combined with furlough for eleven months and five days under Articles 233 and 308 (b) of the Civil Service Regulations, with effect from the 7th October, 1911.

No. 2916-*Est.-A.*—Captain R. E. H. Griffith, a Political Assistant, is posted as Assistant Commissioner and Commandant, Border Military Police, Peshawar, with effect from the 7th October, 1911.

*The 19th October, 1911.*

No. 2940-*Est.-A.*—2nd class Military Assistant Surgeon W. W. Turner, Indian Subordinate Medical Department, in sub-charge, Residency Dispensary, Bushire, is granted privilege leave for one month, with effect from the 3rd October 1911.

No. 2946-*Est.-A.*—Mr. J. B. Wood, C.I.E., a Political Agent, on return from leave, is appointed temporarily to be an Additional Secretary to the Government of India in the Foreign Department, with effect from the 16th October, 1911, and until further orders.

No. 2953-*Est.-A.*—Major H. B. St. John, a Political Agent, is placed on special duty under the Government of India in the Foreign Department, with effect from the 1st October 1911 and until further orders.

*The 20th October, 1911.*

No. 2961 *Est.-A.*—Mr. H. R. C. Dobbs, C.I.E., an officiating Resident of the 2nd class and Revenue and Judicial Commissioner, Baluchistan, is appointed to hold that appointment substantively *pro tempore*, with effect from the 19th October, 1911, and until further orders.

No. 2964-*Est.-A.*—*Corrigendum.*—In Notification No. 2852-*Est. A.*, dated the 12th October 1911, placing Major Peacock on special duty in Rajputana for "6th September 1911" read "16th September 1911."

No. 2967-*Est.-B.*—Major W. B. Douglas, 1st Brahmans, Inspecting Officer, Punjab Imperial Service Infantry, performed the duties of Inspecting Officer, Punjab Imperial Service Cavalry, in addition to his own duties from the 11th May to the 5th August, 1911, during the absence on special duty in England with the Imperial Service Troops Coronation Contingent of Major E. M. J. Molyneux, D. S. O., 12th Cavalry.

No. 2261-*J. B.*—In exercise of the power conferred by section 30 of the Cantonments Act, 1910 (XV of 1910), as applied to the Cantonment of Secunderabad, and in supersession of the notifications of the Government of India in the Foreign Department, Nos. 1453-I.B., and 2589-I.B., dated, respectively, the 15th April and 15th July, 1904, the Governor General in Council is pleased to exclude from the operation of the whole Act, as so applied,

the undermentioned parts of the Cantonment of Secunderabad, namely:—

Serial No.	Situation of the ground.	Extent of the ground.	Nature of soil.	How laid out and whether there are any buildings upon it.	BOUNDED ON THE			
					North by	South by	East by	West by
1	2	3	4	5	6	7	8	9
1	Miles 113 to 114 on the Railway line. Miles 114 to 115 on the Railway line. Miles 115 to 115'69 on the Railway line. Total ...	A. R. P. 9-0-18'76 67-2-34'73 5-3-31'95 82-3-5'44 Sq. yards.	...	...	Fenced in	from the	surrounding	country.
2	South of Railway Station yard and west of Railway blocks.	11,223'30	Mooram ...	A few huts...	Railway wall	Grave yard and road.	Railway fence	Road.
3	South of Railway line to Lallaguda.	4,349'99	Do. ...	Waste and Parade ground.	...	Waste ...	...	...
4	West of Bhoiguda Village.	1,700'00	Do. ...	Waste ground	Railway fence	Bhoiguda Village.	Waste land near side of road from Secunderabad to Hyderabad.	Railway Shunting neck.
5	Back of Railway Station.	17,528'00	Mooram with small boulders.	Do. ...	Railway Station.	Road to Hughestown.	Open ground near Chilkalgudam.	Open ground near Bhoigal.
6	North-west of Chilkalgudam.	5,511'00	Do. ...	Do. ...	Do. ...	Waste ground	Chilkalgudam Infantry lines.	Waste ground.
7	Old Lancer Barracks Blocks 1, 2, 3 and 4 and all buildings surrounding, including latrine beyond road.	A. R. P. 14-2-11'34 Sq. yards.	Mooram ...	Old Lancer Barracks blocks 1, 2, 3 and 4 and all surrounding buildings and latrine.	Waste ground and Major Hawke's Compound.	Rifle butts and waste ground.	Chilkalgudam Infantry lines, Road from Lallaguda to Trimulgherry	Ditto.
8	Old Lancer Barracks between old and new Railway Offices.	42,955'00	Do. ...	Waste ...	Waste ground behind Major Hawke's Compound.	Post Office and road.	Railway new Offices.	Railway old Offices.
9	South of St. John's Church, Secunderabad.	29,557	Do. ...	As a compound with building on it.	Road passing south of St. John's Church.	A road ...	Open ground	Road.
10	North-west of General Post Office.	19,337	Do. ...	Do. ...	Compound with private buildings.	Open ground	Do.	Do.
11	North of Railway line to Lallaguda.	2,733'13	Do. ...	Waste ...	Waste ground	Railway fence	Waste ground	Do.
12	South of Railway line to Lallaguda.	6,081'32	Do. ...	Waste ground	Railway fence	Waste ground	Demarcation line of Cantonment limits near Lallaguda.	Pathway to first bridge beyond cemetery to Lallaguda.
13	North of Railway line to Lallaguda.	1,836'78	Do. ...	Waste ...	Waste ground	Railway fence	Waste ground	Road.
14	South of Railway Station	17,545	Mooram with boulders.	Do. ...	Railway compound wall and land recently acquired from the Cantonment authorities.	Waste ground	Waste ground	Road from Hughestown to Railway station.
15	East of Bolarum Bazaar	275'93	Mooram ...	Do. ...	Bridge No. 737.	Waste land	Public road	Railway line.
16	North of old and new Railway Offices.	6386'11	Do. ...	Do. ...	Road to Railway offices.	Waste land	Compound wall new Railway Office.	Bungalow No. 20-A.
17	North of the new Railway Office.	6180'96	Do. ...	Do. ...	Road from Secunderabad to Lallaguda.	New Railway offices.	Approach road to new Railway Office.	Road from Secunderabad to Lallaguda.

A. H. McMAHON,  
Secretary to the Government of India.



## FINANCE DEPARTMENT.

## NOTIFICATIONS.

## LEAVE AND APPOINTMENTS.

*Simla, the 20th October, 1911.*

No. 6401-F. E.—Pandit Bisheshwar Nath Razdan, Chief Accountant, Office of the Examiner of Accounts, North Western Railway, has been granted privilege leave for two months, with effect from the 6th September 1911.

Mr. J. Shaw, Accountant, 2nd grade, in the office of the Examiner of Accounts, North Western Railway, has been appointed to officiate as Chief Accountant, Class II, in that office, with effect from the same date.

No. 6403-F. E.—Lieutenant-Colonel F. T. C. Hughes, I.A., Deputy Assay Master, Calcutta, has been granted privilege leave for thirteen days, with effect from the 9th October 1911.

J. S. MESTON,

*Secretary to the Government of India.*

## DEPARTMENT OF COMMERCE AND INDUSTRY.

## NOTIFICATIONS.

## POST OFFICE.

*Simla, the 21st October, 1911.*

No. 7743-121.—In exercise of the powers conferred by the Indian Post Office Act, 1898 (VI of 1898), the Governor General in Council is pleased to direct that, with effect from the 1st January 1912, the following amendments shall be made in the rules published with the Notification of the Government of India in this Department, No. 7397-225, dated the 5th August 1908:—

*For rule 29 substitute the following:*

29. Every postal parcel handed to the post office for transmission by the foreign post shall be presented at the post office with a declaration, in such form as may be, from time to time, prescribed by the Director General, containing a statement signed by the sender as to the nature of its contents and their value. No such parcel shall be accepted if it is so small or so covered with writing or sealing-wax, or otherwise made up in such a manner, as to render it impracticable to affix to some part of it the form of declaration prescribed by the Director General in addition to the official labels to be applied to the address-side of the parcel.

*Explanation.*—This rule shall not apply to a parcel which has an address label tied to it, provided that the label is not so small or so covered with writing as to render it impracticable to affix to one side of the label the form of declaration prescribed by the Director General in addition to the official labels to be applied to the address side.

*After rule 60 insert the following new rule:*

60-A. No foreign letter or parcel shall be accepted at any post office for insurance if it is so small or so covered with writing or sealing-wax on the address-side, or otherwise made up in such a manner, as to render it impracticable to affix to it the official labels prescribed by the Director General.

*Explanation.*—This rule shall not apply to a letter or parcel which has an address label tied to it, provided that the label is not so small or so covered with writing on the address-side as to render it impracticable to affix to that side the official labels prescribed by the Director General.

## CUSTOMS ESTABLISHMENT.

*The 21st October, 1911.*

No. 7863-3.—The following reversions of Officers in the Imperial Customs Service are notified, with effect from the 9th October 1911 :

Name.	From	To
Mr. H. F. Howard, I.C.S. ...	Collector, Class I, officiating ...	Collector, Class II, substantive.
Mr. G. A. Thomas, I.C.S. ...	Collector, Class II, officiating ...	Collector, Class III, officiating.
Mr. A. H. Lloyd, I.C.S. ...	Collector, Class III, officiating ...	Assistant Collector, Class II, officiating.

## SALT.

*The 21st October, 1911.*

No. 7874-77.—In supersession of the Notification in this Department No. 6755-77, dated the 10th September 1911, Mr. E. D. Nunn, Assistant Commissioner, Northern India Salt Revenue, is granted privilege leave for two months, with effect from the 27th August 1911.

Mr. C. S. Haygarth, Superintendent, Northern India Salt Revenue, is appointed to officiate as Assistant Commissioner, with effect from the same date during the absence of Mr. E. D. Nunn, or until further orders.

B. ROBERTSON,

*Secretary to the Government of India.*

## ARMY DEPARTMENT.

*Simla, the 20th October, 1911.*

## COMMANDS.

No. 864.—Brigadier-General H. S. Dawkins, R.A., Inspector of Artillery, Northern Army, to be Divisional Artillery Commander, 2nd (Rawal Pindi) Division, and to retain the rank of Brigadier-General whilst so employed. Dated 6th October 1911.

## LONDON GAZETTE.

No. 865.—The following extracts are published for general information :—

*" London Gazette," dated the 26th September 1911, pages 7007, 7008 and 7014.*

\* \* \* \* \*

*Whitehall, September 25, 1911.*

The KING has been pleased to approve of Albert Medals of the First and Second Class being conferred upon the undermentioned Officers and others of the Indian Ordnance Department in recognition of their gallantry in saving life on the occasion of fires caused by explosions of cordite at Hyderabad (Sind) and Ferozepore in the year 1906 :—

## HYDERABAD EXPLOSIONS.

*Albert Medal of the First Class:*

Sub-Conductor Alfred Edwin Purkis.

### FEROZEPORE EXPLOSION.

*Albert Medal of the First Class.*

Captain Charles Creaghe Donovan.

*Albert Medal of the Second Class.*

Major-General Charles Alexander Anderson, C.B.,

Major (now Lieutenant-Colonel) Malcolm Sydenham Clarke Campbell, C.I.E.,

Captain Hugh Clarke,

Assistant Commissary and Honorary Lieutenant Frederick Handley,

Conductor Henry Pargiter,

Sergeant (now Sub-Conductor) Arthur James Robinson,

Sergeant George Smith, and

Robert Dunn Dow.

### HYDERABAD EXPLOSIONS.

On the 7th of April 1906, and again on the 15th April, the Cordite Magazine at Hyderabad caught fire. On the first occasion Sub-Conductor Purkis, acting on his own initiative, entered the magazine with his Lascars while smoke was still issuing from the building, and, by pouring water on the smouldering cases of cordite, extinguished the fire. Had he not succeeded in so doing the loss of life, both in the Fort (which was fully occupied at the time) and in the City (the population, some 138,000 in number, not having received warning of the danger), must have been very serious. On the second occasion the senior Officer ordered the evacuation of the Fort, and Purkis was the last person to leave after having done everything in his power to avert the explosion. Notwithstanding that the Fort was cleared and the City warned, lives were lost when the second fire occurred. On each occasion both gunpowder and cordite were involved.

### FEROZEPORE EXPLOSION.

On the 30th August 1906, a fire broke out in one of the Magazines of the Ferozepore Arsenal comprising 5 cells, in which were stored cordite, small arms ammunition and gunpowder. At an early stage the ends of one of the outer cells (No. 10) were blown out by an explosion of cordite, while from cell No. 9, where small arms ammunition was stored, smoke was seen to be issuing.

Major-General Anderson, who directed the subsequent operations from a roof at the edge of the Magazine Compound, at a distance of some 20 yards, having ordered all persons to be cleared out of the Fort, and placed a cordon round it at 1,000 yards distance, a steam fire engine was got to work, and the fire party which had been organized commenced their highly dangerous task of clearing cell No. 8, in which was stored some 19,000 lbs. of gunpowder; they eventually succeeded in so doing, thereby cutting off the fire by the intervention of an empty cell. Had the powder in this cell exploded, the explosion must have been communicated to cells in an adjoining magazine, where 300,000 lbs. of gunpowder were stored.

Captain Donovan volunteered to clear cell No. 8, and led the fire party, and all concerned acted with the greatest coolness in circumstances calling for a high degree of courage. The door of the cell was opened and the fire hose turned on. Major Campbell joined the party by the cell, and returned in a short while and reported to General Anderson that though the cell was full of smoke, and the barrels hot, there was no actual fire in the cell. As, however, the explosions in the ruined cell No. 10 were becoming more violent General Anderson, fearing that the barrels of powder which were being removed from cell No. 8 would be ignited, ordered the discontinuance of efforts to clear the cell; the pumping engine was, however, kept at work by Mr. Dow and some native assistants.

A series of heavy explosions of cordite now took place, and on the occurrence of a lull Captain Clarke went to reconnoitre, and reported that cell No. 9 was still apparently intact. Major Campbell and Mr. Pargiter subsequently went into the enclosure to investigate, and on their report being received a party including 50 lascars was organized, and the removal of the powder barrels in cell No. 8 was recommenced under cover of the fire hose. During their removal the last important explosion of cordite took place some 12 yards away. Eventually all the barrels were removed without accident.

\* \* \* \* \*

India Office,

September 26, 1911.

The KING has approved of the following promotions of officers of the Indian Army and Indian Army Departments :—

## INDIAN ARMY.

*Majors to be Lieutenant-Colonels.*

Dated 9th May 1911.

Lindsay Maxwell Bell, Commandant, 16th Rajputs (The Lucknow Regiment).

Dated 9th July 1911.

Arthur Henry Dopping Creagh, Commandant, 128th Pioneers.

*Captain to be Major.*

Dated 9th August 1911.

Frank Vernon Leslie Pritchard, 96th Berar Infantry.

*Lieutenants to be Captains.*

Dated 10th July 1911.

John Scot Graham, 121st Pioneers.

Dated 31st July 1911.

Robert Basil Macan, 28th Light Cavalry.

Cecil Huntington Digges La Touche, 16th Cavalry.

## INDIAN ARMY DEPARTMENTS.

*Commissaries and Honorary Captains to be Commissaries with the honorary rank of Major.*

Dated 27th July 1911.

Richard Orr.

James Muir Smith.

*Assistant Commissaries and Honorary Lieutenants to be Deputy Commissaries with the honorary rank of Captain.*

Dated 1st June 1911.

James Turner Coleman.

Dated 24th July 1911.

John Wallis Lombard Young.

Dated 29th July 1911.

William Reeves.

*To be Assistant Commissaries with the honorary rank of Lieutenant.*

Dated 24th July 1911.

Conductor George Newton.

Dated 29th July 1911.

Conductor Patrick McArdle.

The KING has approved of the rank of the undermentioned officers of the Indian Medical Service who entered it by exchange from the Royal Army Medical Corps, being antedated as follows :—

Captain Hugh George Stiles Webb, from 1st March 1906 to 1st September 1905.



Captain Arthur Anderson McNeight, from 31st July 1908 to 31st January 1908.

Captain William Steward Nealer, from 31st July 1908 to 31st January 1908.

The KING has approved of the admission of the undermentioned officer to the Indian Army Reserve of Officers (Infantry Branch) :—

*To be a Second Lieutenant.*

Pelham Stewart Corbould. Dated 15th September 1910.

The KING has approved of the retirement of the undermentioned officers of the Indian Army and Indian Army Departments :—

#### INDIAN ARMY.

Major-General Sir Henry Montague Pakington Hawkes, K.C.B., C.S.I. Dated 29th August 1911.

Major Denis George Peart. Dated 6th September 1911.

Major Walter FitzAlan Stewart. Dated 22nd September 1911.

#### INDIAN ARMY DEPARTMENTS.

Deputy Commissary and Honorary Captain Walter Henry Skeaf. Dated 24th July 1911.

Deputy Commissary and Honorary Captain John Wallis Lombard Young. Dated 29th July 1911.

\* \* \* \* \*

#### PROMOTIONS.

##### CANTONMENT MAGISTRATES' DEPARTMENT.

No. 866.—Consequent on the grant of the leave notified in Army Department Notification No. 776, dated the 15th September 1911, the following officiating promotions are notified :—

Lieutenant-Colonel C. W. Field, Cantonment Magistrate, 2nd Grade, to officiate in the 1st Grade, and

Lieutenant-Colonel M. Stevens, Cantonment Magistrate, 4th Grade, to officiate in the 2nd Grade ;

with effect from the 7th September 1911.

#### INDIAN ARMY.

No. 867.—The following promotions are made, subject to His Majesty's approval :—

*Lieutenants to be Captains.*

27th August 1911.

Noel Edmund Reilly, Political Employ.

8th September 1911.

Henry Francis William Paterson, 32nd Sikh Pioneers.

15th October 1911.

Claude Seymour Foster, 37th Lancers (Baluch Horse).

## INDIAN SUBORDINATE MEDICAL DEPARTMENT.

## SUB-ASSISTANT SURGEON BRANCH.

*Bengal Establishment.*

No. 868.—The undermentioned 3rd Class Sub-Assistant Surgeon, having completed five years' service in that class and passed the required departmental examination, to be 2nd Class Sub-Assistant Surgeon, with effect from the 1st October 1911 :—

No. 1189, Kehar Singh Chandail (E), I.O.M.

(E) Passed in English.

## NATIVE ARMY.

## APPOINTMENTS AND PROMOTIONS.

No. 869.—The following promotions are made :—

*5th Cavalry.*

Kote-Dafadar Lukman Khan to be Jemadar, *vice* Abdul Rahman Khan, transferred to the pension establishment ; with effect from the 1st October 1911.

*39th King George's Own Central India Horse.*

Dafadar Surayan Singh to be Jemadar, *vice* Santa Singh, resigned ; with effect from the 1st February 1911.

*21st Punjabis.*

Jemadar Allah Dad Khan to be Subadar and Havildar Piran Ditta to be Jemadar *vice* Sharif Khan, transferred to the pension establishment ; with effect from the 1st October 1911.

*51st Sikhs (Frontier Force).*

Jemadar Mir Baz Khan to be Subadar and Havildar-Major Khan Baz Khan to be Jemadar, *vice* Sherzad, I.O.M., *Sardar Bahadur*, deceased ; with effect from the 22nd September 1911.

*61st King George's Own Pioneers.*

Jemadar Arumugam to be Subadar and Havildar Ponnusami to be Jemadar, *vice* Muhammad Sulaiman, transferred to the pension establishment ; with effect from the 16th October 1911.

## SPECIAL.

No. 870.—With reference to paragraph 293, Army Regulations, India, Volume II, the undermentioned officer having been absent from military duty for ten years, is transferred to the Supernumerary List, with effect from the date specified :—

Captain Michael Lloyd Ferrar, Assistant Commissioner, 2nd Grade, Punjab,—5th September 1911.

## RETIREMENTS.

## INDIAN ARMY.

No. 871.—The undermentioned officers have been permitted by the Most Hon'ble the Secretary of State for India to retire from the service, subject to His Majesty's approval, with effect from the dates specified :—

Brevet Colonel Alexander MacWhirter Renny,—11th September 1911.

Major Frederick Welman Hawks, Supply and Transport Corps,—15th November 1911.

Major James Craik, 19th Lancers (Fane's Horse),—7th November 1911.

#### BARRACK DEPARTMENT, MADRAS.

No. 872.—Commissary and Honorary Captain Frederick Saunders, Barrack Master, Military Works Services, is permitted to retire from the service, subject to His Majesty's approval; with effect from the 11th October 1911.

#### VOLUNTEER CORPS.

##### APPOINTMENTS, PROMOTIONS AND RESIGNATIONS.

##### *Madras Volunteer Guards.*

No. 873.—Lieutenant-Colonel (Honorary Colonel) Augustus Henry Deane, V.D., to be Commandant, *vice* R. F. R. Formby, resigned. Dated 1st July 1911.

##### *Bombay Volunteer Rifles.*

No. 874.—Lieutenant Thomas Hart Potts to be Captain, to fill an existing vacancy. Dated 7th September 1911.

##### *Bombay, Baroda and Central India Railway Volunteer Rifles.*

No. 875.—Lieutenant-Colonel Archibald Douglas Graham Shelley (R.B.), Commandant, resigns his commission. Dated 1st October 1911.

##### *Agra Volunteer Rifles.*

No. 876.—Lieutenant Harry Graham Haig to be Captain, *vice* A. W. U. John, promoted. Dated 15th April 1911.

M. H. S. GROVER, *Major-General,*  
*Secretary to the Government of India.*

#### ARMY DEPARTMENT.

##### NOTIFICATION.

*Simla, the 20th October 1911.*

Under Clause 53 of the Regulations appended to the Regimental Debts Act, 1893, it is notified that a report of the death of the undermentioned Warrant Officer on the date specified, was received in the Army Department between the 13th September and 17th October 1911:—

Corps.	Rank and name.	Date of Decease.	Place of Decease.	Testate or Intestate.	Remarks.
Ordnance Department, Southern Circle.	Sub-Conductor Frederick Johnson.	7th October 1911.	Poona	...	.....

*Statement of Deposits on account of Estates between the 11th and 17th October 1911.*

On whose account.	Rank.	Corps.	Date of Decese.	Testate or Intestate.	Total un-claimed amount deposited.	Date to which claims will be received.
					Rs. A. P.	
Vivian Henry Branson.*	Major ...	88th Carnatic Infantry	29th April 1911.	Testate...	25 6 6	Claims should be submitted to the Administrator-General of Bombay.
Arthur Charles Percival Hill.†	Lieutenant	1st Battalion, 10th Gurkha Rifles.	7th March 1911.	Intestate	1,445 9 6	Claims should be submitted to the Administrator-General of Madras.

\* Widow.—Mrs. Ethel Ridout Branson.

Address.—87, Cantonments, Belgaum.

Children.—(1) Reginald Vivian Branson—Age 4½ years.

(2) Sylvia Rosemary Branson—Age 3 years.

(3) Eric Auber Branson—Age 1½ years.

† Next-of-kin.—Father.—C. P. Hill, Esq.

Address.—19, Carlton Road, Putney Hill, London, S.W.

M. H. S. GROVER, Major-General,

Secretary to the Government of India.

## MARINE DEPARTMENT.

Simla, the 20th October 1911.

## APPOINTMENTS.

No. 72.—The services of Commander St. L. S. Warden, Royal Indian Marine, are placed at the disposal of the Government of Bombay for employment as Port Officer, Bombay, vice Commander E. J. Beaumont, Royal Indian Marine; with effect from the 1st October 1911.

## LEAVE.

No. 73.—The undermentioned officer has been granted an extension of leave by the Most Hon'ble the Secretary of State for India :—

Engineer G. E. Wood, Royal Indian Marine,—three months (medical certificate).

No. 74.—Mr. E. P. Newnham, Constructor, Kidderpore Dockyard, is granted three months' privilege leave, combined with three months' special leave on urgent private affairs, under Articles 233 and 316, Civil Service Regulations; with effect from the 2nd November 1911.

## PROMOTIONS.

No. 75.—The following promotions are made in the Royal Indian Marine, vice Commander E. J. Beaumont, Royal Indian Marine, retired, with effect from the 1st October 1911 :—

To be Commander, 1st Grade.

Commander C. R. Rowsell, Royal Indian Marine.

To be Commander, 2nd Grade.

Commander C. B. Henley, Royal Indian Marine.

To be Commander, 3rd Grade.

Lieutenant A. E. Harold, Royal Indian Marine.

M. H. S. GROVER, Major-General,

Secretary to the Government of India.



## RAILWAY DEPARTMENT.

## (RAILWAY BOARD.)

## NOTIFICATIONS.

*Simla, the 20th October, 1911.*

No. 273.—Mr. A. K. Homan, Assistant Locomotive Superintendent, North Western State Railway, in Class III, grade 3, of the Superior Revenue Establishment of State Railways, is promoted to Class III, grade 2, of that establishment, with effect from the 22nd September 1911.

No. 274.—With reference to Railway Board Notification No. 123, dated the 5th May 1911, Mr. M. S. S. O'Connor, officiating Deputy Traffic Superintendent, Oudh and Rohilkhand State Railway, reverted to his substantive appointment of District Traffic Superintendent on that Railway on the 9th October 1911.

No. 275.—Captain L. E. Hopkins, Executive Engineer, is, on return from leave, posted to the North Western State Railway.

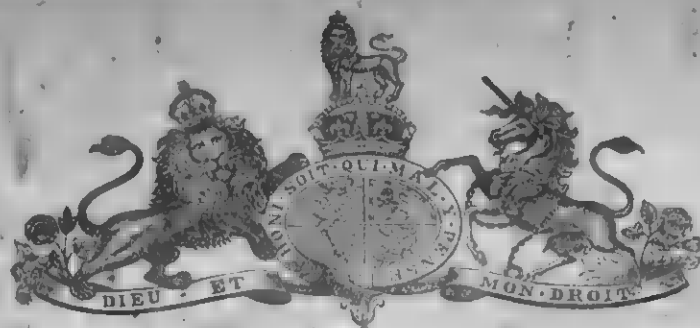
No. 276.—With reference to Notification No. 70, dated 9th March 1911, Mr. H. B. Taylor, on relief by Colonel C. A. R. Browne of the office of Manager, Eastern Bengal State Railway, reverted to his appointment of Engineer-in-Chief of that line, with effect from the 9th October 1911.

No. 277.—With reference to Notification No. 276 dated 20th October 1911, Rai Bahadur Rala Ram, on relief by Mr. Taylor of the office of Engineer-in-Chief, is appointed to officiate as Deputy Engineer-in-Chief, Eastern Bengal State Railway, until further orders.

No. 278.—With reference to Notification No. 277, dated 20th October 1911, Mr. W. A. E. Hanby, on relief by Rai Bahadur Rala Ram of the office of Deputy Engineer-in-Chief, Eastern Bengal State Railway, reverted to his substantive rank of Executive Engineer.

R. C. F. VOLKERS,

*Secretary, Railway Board.*



# The Gazette of India.

PUBLISHED BY AUTHORITY.

No. 43. } SIMLA, SATURDAY, OCTOBER 28, 1911.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

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## PART I.

Government of India Notifications, Appointments, Promotions, &c.

### DEPARTMENT OF EDUCATION.

#### NOTIFICATIONS.

##### SANITARY.

Simla, the 24th October, 1911.

No. 2011.—The services of Captain S. B. Mehta, F.R.C.S.E., I.M.S., are replaced at the disposal of His Excellency the Commander-in-Chief in India.

The 26th October, 1911.

No. 2025.—Captain R. E. Wright, M.B., I.M.S., is appointed to officiate in the Bacteriological Department and his services are placed temporarily at the disposal of the Government of Madras.

No. 2027.—Captain A. G. McKendrick, M.B., I.M.S., is placed on special duty under the Sanitary Commissioner with the Government of India, with effect from the 18th October 1911.

No. 2028.—Captain A. G. McKendrick, M.B., I.M.S., is appointed to officiate as Statistical Officer for the Government of India in the Sanitary and Medical Departments, with effect from the 23rd October 1911 and until further orders.

L. PORTER,

*Secretary to the Government of India.*

## DEPARTMENT OF REVENUE AND AGRICULTURE.

### NOTIFICATIONS.

#### LAND SURVEYS.

*Simla, the 25th October, 1911.*

No. 551—145-3.—The combined leave for one year, six months and eight days granted to Captain F. F. Hunter, I.A., of the Survey of India by this Department's Notification No. 1254, dated the 18th November 1910, has been commuted to privilege leave for three months, furlough for one year and sixteen days and extraordinary leave without allowances for two months and twenty-two days.

### METEOROLOGY.

*The 26th October, 1911.*

No. 2489—50.—Lala Hem Raj, Assistant Meteorologist, Meteorological Office, Simla, is appointed to be Imperial Meteorologist in that office, with effect from the 22nd September 1911.

### FORESTS.

*The 26th October, 1911.*

No. 1020—171-7-F.—With reference to the notification of this Department No. 743—171-3-F., dated the 15th August 1911, Mr. B. B. Osmaston, Conservator of Forests, 3rd, officiating 2nd grade, was relieved by Mr. P. H. Clutterbuck, Deputy Conservator of Forests, on the afternoon of 10th October 1911 of the charge of the Eastern Circle, United Provinces.

From the same date Mr. Clutterbuck is appointed to officiate as Conservator of Forests, 3rd grade, in charge of the Eastern Circle, United Provinces, until further orders.

*The 27th October, 1911.*

No. 1025—140-6-F.—On return from privilege leave Mr. G. S. Hart, Chief Conservator of Forests, resumed charge of the office of Chief Conservator of Forests, Central Provinces, with effect from the forenoon of 21st October 1911.

From the same date Mr. H. H. Haines, officiating Chief Conservator of Forests, Central Provinces, reverted to his substantive appointment of Conservator of Forests, 3rd grade.

No. 1027—140-7-F.—With reference to the notification of this Department No. 889—171-5-F., dated 26th September 1911, Mr. H. H. Haines, Conservator of Forests, 3rd grade, is appointed to officiate as Conservator of Forests, 2nd grade, with effect from the 21st October 1911.

From the same date Mr. A. V. Monro, Conservator of Forests, 3rd (officiating 2nd) grade, reverted to his substantive appointment.

E. D. MACLAGAN,

*Secretary to the Government of India.*

## PUBLIC WORKS DEPARTMENT.

## NOTIFICATIONS.

*Simla, the 26th October, 1911.*

No. 36.—Lala Raja Ram, Sub-Engineer, 1st grade, Punjab, is appointed to the Provincial Service of the Engineer Branch of the Public Works Department as an Assistant Engineer and is posted to the Punjab.

No. 37.—Mr. F. J. Tarleton, Sub-Engineer, 2nd grade, Central India, is appointed to the Provincial Service of the Engineer Branch of the Public Works Department as an Assistant Engineer and is posted to Central India.

W. B. GORDON,

*Secretary to the Government of India.*

## FOREIGN DEPARTMENT.

## NOTIFICATIONS.

*Simla, the 24th October, 1911.*

No. 2988-*Est.-A.*—Lieutenant-Colonel W. R. Edwards, C.M.G., Indian Medical Service (Bengal), an officiating Agency Surgeon of the 1st class, is granted privilege leave for three months combined with furlough for nine months, under Articles 233 and 308 (b) of the Civil Service Regulations, with effect from the 9th October, 1911.

No. 2989-*Est.-A.*—Lieutenant Colonel T. W. Irvine, Indian Medical Service (Bombay), an Agency Surgeon of the 2nd class, is appointed to officiate as an Agency Surgeon of the 1st class and Chief Medical Officer in the North-West Frontier Province, with effect from the 9th October, 1911.

No. 2990-*Est.-A.*—Lieutenant-Colonel T. W. Irvine, Indian Medical Service (Bombay), an officiating Agency Surgeon of the 1st class and Chief Medical Officer in the North-West Frontier, is appointed to hold charge of the current duties of the office of Civil Surgeon, Peshawar, in addition to his other duties, with effect from the 9th October, 1911, and until further orders.

*The 25th October, 1911.*

No. 2996-*Est.-A.*—Lieutenant-Colonel S. F. Bayley, a Political Agent, on return from leave, is placed on special duty under the orders of the Agent to the Governor-General in Rajputana, with effect from the 11th October, 1911.

No. 3000-*Est.-A.*—Lieutenant S. William, Adjutant, Mekran Levy Corps, is appointed temporarily to hold charge of the current duties of the office of Assistant Political Agent, Mekran, and Commandant, Mekran Levy Corps, in addition to his own duties, with effect from the 10th October, 1911.

*The 26th October, 1911.*

No. 3018-*Est.-A.*—Mr. W. R. Howson, His Britannic Majesty's Vice-Consul at Birjand, is granted privilege leave for three and a half months, with effect from the 2nd October, 1911.

No. 3019-*Est.-A.*—Mr. W. H. Forkgen, of the Indian Telegraph Department, is appointed to act as His Britannic Majesty's Vice-Consul at Birjand, with effect from the 2nd October, 1911, and during the absence on privilege leave of Mr. W. R. Howson, or until further orders.

J. B. WOOD,

*Additional Secretary to the Government of India.*



## FINANCE DEPARTMENT.

## NOTIFICATIONS.

## ESTIMATES AND ACCOUNTS.

Simla, the 24th October, 1911.

No. 6523-F.—Monthly Preliminary Statement of Receipts and Payments at Civil Treasuries in India.

September 1911.

Lakhs of Rupees.

	SEPTEMBER.		TO END OF SEPT.		WHOLE YEAR.	
	1911-1912.	1910-1911.	1911-1912.	1910-1911.	Budget, 1911-1912.	Actuals, Preliminary, 1910-1911.
<b>Civil Revenue.</b>						
Land Revenue (including Land Revenue due to Irrigation) ...	96	1,06	11,93	11,54	34,03	33,26
Opium ...	84	99	4,34	5,58	6,42	11,28
Salt ...	34	33	2,25	2,17	4,04	4,76
Stamps ...	58	63	3,61	3,85	7,20	7,03
Excise ...	90	84	5,57	5,08	10,83	10,54
Provincial Rates ...	8	8	40	42	81	84
Customs ...	69	75	4,48	4,71	9,32	9,91
Assessed Taxes ...	25	24	1,10	1,06	2,27	2,23
Forest ...	17	17	95	87	2,80	2,46
Registration ...	5	5	36	36	64	64
Tributes from Native States ...	2	1	27	22	93	91
Other Civil Revenue ...	27	25	2,10	1,92	4,57	3,98
<b>TOTAL CIVIL HEADS</b> ...	<b>5,15</b>	<b>5,39</b>	<b>37,36</b>	<b>37,78</b>	<b>84,76</b>	<b>87,86</b>
Major Irrigation Revenue ...	6	11	1,85	1,79	3,39	3,26
Other Public Works Ordinary Revenue ...	3	3	83	26	71	64
<b>TOTAL CIVIL REVENUE (including Ordinary Public Works)</b> ...	<b>5,24</b>	<b>5,53</b>	<b>39,44</b>	<b>39,83</b>	<b>88,86</b>	<b>91,76</b>
<b>Civil Expenditure.</b>						
Interest on Ordinary Debt and that on Railways and Irrigation Works ...	-8	-7	-2,42	-2,34	-4,57	-4,50
Opium ...	-15	-7	-1,01	-1,74	-1,77	-1,87
Famine Relief (Civil) ...	...	...	...	...	...	...
Other Civil Expenditure ...	-3,11	-2,81	-19,98	-18,03	-44,30	-37,11
<b>TOTAL CIVIL HEADS</b> ...	<b>-3,34</b>	<b>-2,95</b>	<b>-23,41</b>	<b>-22,11</b>	<b>-50,64</b>	<b>-43,58</b>
Major Irrigation Working Expenses ...	-11	-13	-78	-81	-1,65	-1,64
Buildings and Roads Expenditure ...	-39	-38	-2,01	-2,04	-6,00	-5,48
Famine Relief (Public Works) ...	...	...	...	...	...	...
Other P. W. Ordinary Expenditure ...	-9	-12	-73	-86	-1,35	-1,79
Irrigation Capital Expenditure ...	-13	-11	-85	-69	-1,80	-1,69
<b>TOTAL CIVIL EXPENDITURE (including Public Works)</b> ...	<b>-4,06</b>	<b>-3,69</b>	<b>-27,78</b>	<b>-26,51</b>	<b>-61,50</b>	<b>-54,18</b>
<b>Receipts into Civil Treasuries from, and issues from those Treasuries to, the following Non-Civil Departments :</b>						
The figures comprise Revenue, Expenditure, and Debt and Remittance transactions.						
Post Office (Net) ...	...	+12	+1,25	+65	+1,94	+1,74
Telegraph (Net) ...	-12	-8	-53	-46	-84	-94
Marine (Net) ...	-3	-6	-22	-25	-46	-51
Military Works (Net) ...	-9	-9	-51	-47	-1,22	-1,36
Military Receipts ...	+4	+13	+41	+41	+96	+98
Military Issues ...	-1,60	-1,59	-9,74	-9,90	-20,87	-20,80
<b>Railway Receipts.</b>						
East Indian Railway ...	+52	+55	+3,76	+3,73	+49,98	+48,44
Other Railways ...	+3,06	+2,94	+20,93	+19,50	...	...
<b>TOTAL</b> ...	<b>+3,58</b>	<b>+3,49</b>	<b>+24,69</b>	<b>+23,23</b>	<b>+49,98</b>	<b>+48,44</b>
<b>Railway Issues.</b>						
East Indian Railway ...	-41	-32	-2,36	-2,02	...	...
Other Railways ...	-2,43	-2,45	-13,43	-13,35	-35,47	-31,12
<b>TOTAL</b> ...	<b>-2,84</b>	<b>-2,77</b>	<b>-16,29</b>	<b>-15,37</b>	<b>-35,47</b>	<b>-31,12</b>
<b>TOTAL NON-CIVIL DEPARTMENTS</b> ...	<b>-1,06</b>	<b>-87</b>	<b>-94</b>	<b>-2,17</b>	<b>-5,98</b>	<b>-3,58</b>
<b>Civil Debt and Remittance Transactions.</b>						
Permanent Debt and Special Loans (Net : + Receipts more, —Receipts less than payments) ...	...	...	+2,00	+1,39	+1,84	+1,35
Mint Certificates and Bullion Advances (Net as above) ...	-15	+7	-34	+9	...	...
Currency Transfers for Gold in England ...	...	...	...	+2,62	...	...
Do. for Sterling investment ...	...	...	+2,00	...	+2,00	+2,23
Deposit of District Funds ...	-14	-11	+39	+31	-11	+1,18
Loans by Government ...	-5	...	+17	+27	-12	...
Exchange on Remittance Accounts ...	...	...	...	...	...	...
Council Bills paid (including Telegraphic) at Rs per £ ...	-2,29	-1,81	-17,04	-15,48	-25,74	-34,87
Other Debt Heads ...	-5	-10	-31	-53	+77	+19
<b>TOTAL DEBT AND REMITTANCE TRANSACTIONS</b> ...	<b>-2,68</b>	<b>-1,95</b>	<b>-13,33</b>	<b>-10,93</b>	<b>-21,36</b>	<b>-32,68</b>
<b>GRAND TOTAL RECEIPTS AND ISSUES</b> ...	<b>-2,56</b>	<b>-98</b>	<b>-2,61</b>	<b>+22</b>	<b>+2</b>	<b>+1,90</b>
Opening Cash Balance in Treasuries and Presidency Banks ...	20,30	19,64	20,35	18,44	18,70	18,44
Closing Cash Balance in Treasuries and Presidency Banks ...	17,74	18,66	17,74	18,66	18,72	20,30

The 22nd September, 1911.

No. 6605-F.—Monthly Preliminary Statement of Receipts and Payments at Civil Treasuries in India.

August 1911.

Lakhs of Rupees.

	AUGUST.		To end of August.		WHOLE YEAR.	
	1911-1912.	1910-1911.	1911-1912.	1910-1911.	Budget, 1911-1912.	Actuals, Preliminary, 1910-1911.
<b>Civil Revenue.</b>						
Land Revenue (including Land Revenue due to Irrigation) ...	69	72	10.97	10.48	34.03	33.26
Opium ...	51	76	3.51	4.59	6.42	11.28
Salt ...	27	25	1.92	1.85	4.94	4.76
Stamps ...	61	76	3.03	3.22	7.20	7.93
Excise ...	86	80	4.68	4.24	10.83	10.54
Provincial Rates ...	2	2	32	34	81	84
Customs ...	79	79	3.78	3.90	9.32	9.93
Assessed Taxes ...	21	31	83	82	2.27	2.23
Forest ...	30	31	78	71	2.80	2.46
Registration ...	6	6	32	31	64	64
Tributes from Native States ...	4	4	25	20	93	91
Other Civil Revenue ...	37	44	1.71	1.67	4.57	3.98
<b>TOTAL CIVIL HEADS</b> ...	<b>4.61</b>	<b>5.06</b>	<b>32.10</b>	<b>32.39</b>	<b>84.76</b>	<b>87.86</b>
Major Irrigation Revenue ...	13	52	1.79	1.68	3.39	3.26
Other Public Works Ordinary Revenue ...	4	5	20	22	71	64
<b>TOTAL CIVIL REVENUE (including Ordinary Public Works)</b> ...	<b>4.80</b>	<b>5.43</b>	<b>34.09</b>	<b>34.29</b>	<b>88.86</b>	<b>91.76</b>
<b>Civil Expenditure.</b>						
Interest on Ordinary Debt and that on Railways and Irrigation Works ...	—50	—49	—2.34	—2.27	—4.57	—4.60
Opium ...	—16	—30	—85	—1.00	—1.77	—1.87
Famine Relief (Civil) ...	...	...	...	...	...	...
Other Civil Expenditure ...	—3.03	—2.94	—16.75	—15.23	—44.30	—37.11
<b>TOTAL CIVIL HEADS</b> ...	<b>—3.69</b>	<b>—3.73</b>	<b>—19.04</b>	<b>—19.16</b>	<b>—50.64</b>	<b>—43.58</b>
Major Irrigation Working Expenses ...	—12	—14	—66	—68	—1.65	—1.64
Buildings and Roads Expenditure ...	—37	—41	—1.63	—1.66	—6.00	—5.48
Famine Relief (Public Works) ...	...	...	...	...	...	...
Other P. W. Ordinary Expenditure ...	—12	—13	—63	—73	—1.35	—1.79
Irrigation Capital Expenditure ...	—15	—10	—71	—58	—1.80	—1.69
<b>TOTAL CIVIL EXPENDITURE (including Public Works)</b> ...	<b>—4.45</b>	<b>—4.32</b>	<b>—23.57</b>	<b>—22.81</b>	<b>—61.50</b>	<b>—54.18</b>
<b>Receipts into Civil Treasuries from and issues from those Treasuries to, the following Non-Civil Departments ;</b>						
The figures comprise Revenue, Expenditure, and Debt and Remittance transactions.						
Post Office (Net) ...	+26	+19	+1.16	+53	+1.04	+1.74
Telegraph (Net) ...	—10	—8	—42	—38	—84	—94
Marine (Net) ...	—4	—6	—20	—19	—46	—51
Military Works (Net) ...	—10	—9	—38	—38	—1.22	—1.36
Military Receipts ...	+4	+7	+32	+28	+6	+28
Military issues ...	—1.57	—1.66	—8.10	—8.31	—20.87	—20.82
<b>Railway Receipts.</b>						
East Indian Railway ...	+58	+56	+3.24	+3.18	+49.98	+48.44
Other Railways ...	+3.07	+2.95	+17.79	+16.56		
<b>TOTAL</b> ...	<b>+3.65</b>	<b>+3.51</b>	<b>+21.03</b>	<b>+19.74</b>	<b>+49.98</b>	<b>+48.44</b>
<b>Railway Issues.</b>						
East Indian Railway ...	—37	—43	—1.93	—1.71	—35.47	—31.11
Other Railways ...	—2.17	—2.22	—11.31	—10.90		
<b>TOTAL</b> ...	<b>—2.54</b>	<b>—2.65</b>	<b>—13.24</b>	<b>—12.61</b>	<b>—35.47</b>	<b>—31.11</b>
<b>TOTAL NON-CIVIL DEPARTMENTS</b> ...	<b>—40</b>	<b>—77</b>	<b>+17</b>	<b>—1.30</b>	<b>—5.98</b>	<b>—3.58</b>
<b>Civil Debt and Remittance Transactions.</b>						
Permanent Debt and Special Loans (Net: + Receipts more, — Receipts less than payments) ...	...	+7	+1.92	+1.39	+1.84	+1.25
Mint Certificates and Bullion Advances (Net as above) ...	—22	—12	—33	+2		
Currency Transfers for Gold in England ...	...	...	...	...	...	...
Do. for Sterling investment ...	...	...	+2.00	...	+2.00	...
Deposit of District Funds ...	—12	—2	+55	+43	—11	+23
Loans by Government ...	—3	+1	+22	+67	—12	+4.12
Exchange on Remittance Accounts ...	...	...	...	+1	...	...
Council Bills paid (including Telegraphic) at 1/2 per cent ...	—1.77	—1.78	—14.74	—13.67	—25.74	—34.87
Other Debt Heads ...	—10	—10	—36	+2.16	+77	+19
<b>TOTAL DEBT AND REMITTANCE TRANSACTIONS</b> ...	<b>—2.30</b>	<b>—1.94</b>	<b>—10.74</b>	<b>—8.99</b>	<b>—21.36</b>	<b>—32.03</b>
<b>GRAND TOTAL RECEIPTS AND ISSUES</b> ...	<b>—2.35</b>	<b>—1.80</b>	<b>—5</b>	<b>+1.19</b>	<b>+2</b>	<b>+1.92</b>
Opening Cash Balance in Treasuries and Presidency Banks ...	22.66	21.43	20.36	18.44	18.70	18.44
Closing Cash Balance in Treasuries and Presidency Banks ...	20.31	19.63	20.21	19.63	18.72	20.36

## LEAVE AND APPOINTMENTS.

*The 25th October, 1911.*

No. 6553-F.E.—Mr. M. F. Gauntlett, I.C.S., Accountant General, Railways, has been granted privilege leave for 3 months and, in continuation, furlough for 3 months, with effect from the 27th September 1911.

Mr. T. Ryan, Assistant Accountant General, Railways, was placed in charge of the current duties of the Office of the Accountant General, Railways, from the 27th September 1911 to the 7th October 1911.

Mr. J. A. Robertson has been posted as Accountant General, Railways, with effect from the 8th October 1911.

No. 6554-F.E.—Mr. R. C. Keating, Accountant, 1st grade, in the office of the Examiner of Accounts, North Western Railway, has been appointed to officiate as Chief Accountant, Class II, in that office with effect from the 7th August 1911 and until further orders.

No. 6555-F.E.—Mr. L. G. R. Vanderspar, an Officer of the Indian Finance Department, attached to the office of the Examiner of Accounts, North Western Railway, has been granted privilege leave for 2 months and 11 days and, in continuation, furlough on Medical Certificate for 9 months and 19 days, with effect from the 13th September 1911.

Mr. J. O. Ewing, Accountant, 2nd grade, in the office of the Examiner of Accounts, North Western Railway, has been appointed to officiate as Chief Accountant, Class II, in that office with effect from the same date and until further orders.

No. 6556-F.E.—Mr. W. D. Woollam has been placed on special duty with effect from the 11th October 1911 and until further orders.

Mr. J. DeVine has been posted as Assistant Comptroller General in charge of the Paper Currency Office, Calcutta, with effect from the same date.

No. 6563-F.E.—Mr. Taj-ud-din Malak has been posted as Assistant Accountant General, Punjab, with effect from the 3rd October 1911.

Mr. J. G. Gunjkar has been posted as Assistant Accountant General, Bombay, with effect from the 9th October 1911.

*The 26th October, 1911.*

No. 6572-F.E.—The services of Mr. J. F. Graham, I.C.S., Deputy Accountant General, Madras, have been placed temporarily at the disposal of the Army Department with effect from the 5th September 1911.

Mr. R. Sethurama Aiyar, a Superintendent in the office of the Accountant General, Madras, has been appointed to officiate as Chief Superintendent, Class II, in that office with effect from the 15th September 1911 and until further orders.

No. 6573-F.E.—Mr. C. O. Slacke, Assistant Accountant General, Bengal, has been granted privilege leave for one month with effect from the 9th October 1911.

Mr. U. L. Banerjee, a Superintendent in the office of the Accountant General, Bengal, has been appointed to officiate as Chief Superintendent, Class II, in that office with effect from the 9th October 1911 and until further orders.

No. 6585-F.E.—Mr. M. A. Hafeez, Assistant Comptroller General, Paper Currency Office, Calcutta, has been granted privilege leave for two months with effect from the 27th September 1911.

Mr. M. Subrahmanyam has been posted as Assistant Comptroller General, Paper Currency Office, Calcutta, with effect from the 27th September 1911.

Mr. B. K. Ray Chaudhuri, Chief Superintendent in the office of the Comptroller and Auditor General, has been transferred to the office of the Comptroller, India Treasuries, with effect from the 26th September 1911.

No. 6586-F.E.—Rai N. G. Basu Bahadur, C.I.E. has been posted as Deputy Comptroller General with effect from the 27th September 1911.

Mr. J. C. Mitra has been posted as Assistant Comptroller General with effect from the 27th September 1911.

*The 27th October, 1911.*

No. 6593-F.E.—Mr. W. Courtenay, Assistant Comptroller General, has been granted privilege leave for four weeks with effect from the 9th October 1911.

6607-F.E.—The services of Mr. A. G. Barr, of the General List of the Indian Finance Department, have been placed at the disposal of the Foreign Department for employment under the Bikaner State with effect from the 7th October 1911.

J. S. MESTON,

Secretary to the Government of India.

## FINANCE DEPARTMENT (MILITARY FINANCE).

## NOTIFICATIONS.

## LEAVE AND APPOINTMENTS.

*Simla, the 27th October, 1911.*

No. 1448-Accts.—Mr. T. W. Rice, Deputy Examiner, 2nd grade, temporary, Military Accounts Department, is confirmed in that appointment with effect from the 11th October 1911 *vice* Mr. E. M. Fullam, deceased.

No. 1449-Accts.—Mr. H. M. Smith officiating Deputy Examiner, 2nd grade, is temporarily appointed to be a Deputy Examiner, 2nd grade, Military, Accounts Department, with effect from the 11th October 1911, *vice* Mr. Rice, confirmed.

No. 1450-Accts.—The following officiating appointment and reversion of officers of the Military Accounts Department are made, with effect from the date specified :—

*From the 22nd September 1911, the date of Captain H. Murray's return from leave out of India.*

Captain H. Murray, Assistant Military Accountant, 2nd class, to officiate as Assistant Military Accountant, 1st class.

Captain P. Ashfield, Assistant Military Accountant, 2nd class, sub *pro tem*, and officiating Assistant Military Accountant, 1st class, to revert to Assistant Military Accountant, 2nd class, sub *pro tem*.

No. 1452-Accts.—Major E. G. D. deLabilliere, I.A., Military Accountant, 4th class, Military Accounts Department, is granted one year's leave out of India on private affairs, from the 3rd January 1912, or from the date on which he may avail himself of it, under the leave rules of 1886 for the Indian Army. Pension Service 19th year commenced, 23rd November 1910.

J. B. BRUNYATE,

*Joint Secretary to the Government of India.*

## DEPARTMENT OF COMMERCE AND INDUSTRY.

## NOTIFICATIONS.

## EMIGRATION.

No. 8037-8054-102.

*Simla, the 27th October, 1911.*

RESOLUTION—By the Government of India, Department of Commerce and Industry.

Telegraphic information has been received from His Majesty's Secretary of State that the Consul General at Panama reports the arrival of Indian labourers at Colon for whom no employment can be found. The Consul General asks that intending emigrants may be warned that they will be disappointed in their expectation of obtaining work.

2. The above communication is published for general information.

ORDERED that a copy of the above Resolution be forwarded, for information and guidance, to all Local Governments and Administrations, and to the Home and Foreign Departments, for information.

Ordered, also, that a copy be published in the *Gazette of India*, for general information.



## CUSTOMS.

*The 28th October, 1911.*

**No. 7911-97.**—In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), the Governor-General in Council is pleased to prohibit the bringing by sea or by land into British India of any copy of the pamphlet entitled "An open letter to Count Leo Tolstoy in reply to his 'letter to a Hindoo'" by the editor of *Free Hindusthan*.

B. ROBERTSON,

*Secretary to the Government of India.*

## ARMY DEPARTMENT.

*Simla, the 27th October, 1911.*

## APPOINTMENTS.

## ARMY DEPARTMENT.

**No. 877.**—Lieutenant-Colonel B. Holloway, Indian Army, 29th Lancers (Deccan Horse), is appointed to officiate as Deputy Secretary to the Government of India, Army Department, during the absence of Colonel E. W. S. K. Macouchy, C.B., C.I.E., D.S.O., on combined leave; with effect from the 29th October 1911.

## INDIAN ARMY.

**No. 878.**—The following admission to the Indian Army from the Unattached List is made, subject to confirmation by the Most Hon'ble the Secretary of State for India:—

*To be Lieutenant.*

Second Lieutenant Ivan Douglas Guthrie, officiating Squadron Officer, 17th Cavalry.  
Dated 8th October 1911, but to rank from the 27th August 1910.

## PROMOTIONS.

## INDIAN ARMY.

**No. 879.**—The following promotions are made, subject to His Majesty's approval:—

*Major to be Lieutenant-Colonel.*

1st October 1911.

Arthur LeGrand Jacob, C.I.E., D.S.O., Commandant, 106th Hazara Pioneers.

*Captains to be Majors.*

21st October 1911.

Charles Robertson, 19th Lancers (Fane's Horse).

Thomas James Willans, 57th Wilde's Rifles (Frontier Force).

Alexander Guthrie Thomson, 58th Vaughan's Rifles (Frontier Force).

*Lieutenants to be Captains.*

12th July 1911.

Aubrey Osborne Creagh, 120th Rajputana Infantry.

22nd October 1911.

Ralph Sandwith Engledee, 80th Punjabis.  
 Henry Byng Leapingwell, 97th Deccan Infantry.  
 Francis William Joseph Paterson, 60th Punjabis.  
 Sydney Trepass Polley, 3rd Skinner's Horse.  
 Sydney Baron Coates, 102nd King Edward's Own Grenadiers.  
 Charles Maximilian Thomas Western, 129th Duke of Connaught's Own Baluchis.  
 The Hon'ble Michael William Robert DeCourcy, 32nd Sikh Pioneers.  
 George Dodd Martin, 9th Bhopal Infantry.  
 Arthur William Dauncey Cornish, 6th Gurkha Rifles.  
 Herbert Bowater Vernon, 27th Punjabis.  
 Francis Lionel Tayler, 42nd Deoli Regiment.  
 Alan Sauer Auret, 127th Queen Mary's Own Baluch Light Infantry.  
 Jack Compton Rose Gannon, 23rd Cavalry (Frontier Force).  
 Leonard Duncan Rollo, 96th Berar Infantry.  
 William Montague Arnaud Foster, 10th Duke of Cambridge's Own Lancers (Med-  
 son's Horse).  
 Henry Martin Liepmann, 13th Rajputs (The Shekhawati Regiment).  
 John Charles Temple Gaskell, 69th Punjabis.  
 Henry Walter O'Connell Hewett, 41st Dogras.  
 Duncan Iver Macpherson, 10th Jats.  
 Ralph Coker Beck, 98th Infantry.  
 Harry Francis Dundas Stirling, 59th Scinde Rifles (Frontier Force).  
 Thomas Owen Wilkinson, 91st Punjabis (Light Infantry).  
 Andrew George Williamson, 7th Hariana Lancers.  
 Walter Frederick Bird, 46th Punjabis.  
 William Kenneth Polloxsen Wilson, 30th Punjabis.  
 Pertiva Henry Martin, 86th Carnatic Infantry.  
 23rd October 1911.  
 Percy Barrett Jones, 5th Light Infantry.

## NATIVE ARMY.

## APPOINTMENTS AND PROMOTIONS.

*The 101st Grenadiers.*

No. 880.—Jemadar Kumar Muhammad Wajib Ali Khan, appointed on probation in Army Department Notification No. 1116, dated the 17th December 1909, is confirmed in that rank; with effect from the 26th September 1909.

No. 881.—The following promotions are made :—

*6th King Edward's Own Cavalry.*

Jemadar Ramji Lal to be Ressaidar and Kote-Dafadar Ganda Singh to be Jemadar, *vice* Mahbub Singh, transferred to the pension establishment; with effect from the 1st October 1911.

*105th Mahratta Light Infantry.*

Jemadar Ladu Sawant to be Subadar and Havildar Babajirao Dalvi to be Jemadar, *vice* Gopal Jadhao, invalided; with effect from the 24th August 1911.

*122nd Rajputana Infantry.*

Color-Havildar Hira Rawat to be Jemadar, *vice* Bhau Rawat, transferred to the pension establishment; with effect from the 13th June 1911.

## RESIGNATIONS.

## ARMY RESERVES.

No. 882.—Second Lieutenant Cyril Champkin, Infantry Branch of the Indian Army Reserve of Officers, is permitted to resign the service, subject to His Majesty's approval. Dated 27th October 1911.

## RETIREMENTS.

## INDIAN ARMY.

No. 883.—Brevet Colonel Harry John Bremner, has been permitted by the Most Hon'ble the Secretary of State for India to retire from the service, subject to His Majesty's approval; with effect from the 1st October 1911.

No. 884.—Lieutenant-Colonel Charles Griffiths, 16th Cavalry, is permitted to retire from the service, subject to His Majesty's approval; with effect from the 11th November 1911.

## INDIAN MEDICAL SERVICE.

No. 885.—Lieutenant-Colonel Ernest Gerald Robert Whitcombe, Indian Medical Service, Bombay, is permitted to retire from the service, subject to His Majesty's approval; with effect from the 27th October 1911.

## INDIA MISCELLANEOUS LIST.

No. 886.—With the approval of the Most Hon'ble the Secretary of State for India, Supernumerary Conductor Frederick Reginald Vandyke, Survey of India Department, is permitted to resign his rank and retire from the service with effect from the 30th January 1910, and to count for pension under the Civil Service Regulations his departmental service from the 1st August 1889.

## VOLUNTEER CORPS.

## APPOINTMENTS, PROMOTIONS AND RESIGNATIONS.

*Surma Valley Light Horse.*

No. 887.—The Hon'ble Sir Charles Stuart Bayley, K.C.S.I., Lieutenant-Governor of Eastern Bengal and Assam, to be Honorary Colonel, *vice* Sir Lancelot Hare, K.C.S.I., C.I.E., resigned. Dated 22nd August 1911.

*Southern Provinces Mounted Rifles.*

No. 888.—Philip Pipon Braithwaite to be Second Lieutenant, to fill an existing vacancy. Dated 1st September 1911.

*1st Battalion, Calcutta Volunteer Rifles.*

No. 889.—Charles Ernest Walze to be Second Lieutenant, to fill an existing vacancy. Dated 1st September 1911.

*Great Indian Peninsula Railway Volunteer Rifle Corps.*

No. 890.—Cyril George Graham to be Second Lieutenant, to fill an existing vacancy. Dated 1st September 1911.

Gerald Curry to be Second Lieutenant, to fill an existing vacancy. Dated 1st September 1911.

*Coorg and Mysore Rifles.*

No. 891.—Second Lieutenant Ernest Leslie Duxbury to be Lieutenant, *vice* E. Willey, transferred to the Supernumerary List. Dated 8th September 1911.

Charles Robert Valentine to be Second Lieutenant, *vice* E. L. Duxbury, promoted. Dated 8th September 1911.

*Malabar Volunteer Rifles.*

No. 892.—Lieutenant John Evelyn Cardet Brunton to be Captain, to fill an existing vacancy. Dated 1st August 1911.

Lieutenant Herbert Kirkpatrick to be Captain, to fill an existing vacancy. Dated 1st August 1911.

*Eastern Bengal Volunteer Rifles.*

No. 893.—The Hon'ble Sir Charles Stuart Bayley, K.C.S.I., Lieutenant-Governor of Eastern Bengal and Assam, to be Honorary Colonel, *vice* Sir Lancelot Hare, K.C.S.I., resigned. Dated 22nd August 1911.

M. H. S. GROVER, *Major-General,*

*Secretary to the Government of India.*

## RAILWAY DEPARTMENT.

## (RAILWAY BOARD.)

## NOTIFICATIONS.

*Simla, the 26th October, 1911.*

No. 279.—Mr. F. W. Roberts, Superintending Engineer, has been granted by His Majesty's Secretary of State for India, furlough for three months in extension of the leave sanctioned in Railway Board Notification No. 4, dated the 10th January 1911.

*The 27th October, 1911.*

No. 280.—In the second column of the Schedule annexed to the Notification of the Government of India in the Railway Department No. 232, dated the 24th August 1911, specifying the taxes payable in aid of the funds of the Simla Municipality by the Administration of the North Western State Railway

for "Water, ground, house, vehicle and servant taxes"

read "Water, ground, house and vehicle taxes."

No. 281.—Mr. J. H. White, Superintendent of Works, Eastern Bengal State Railway Extensions, is appointed to officiate as Deputy Manager of that railway in Class I of the Superior Revenue Establishment of State Railways, with effect from the 9th October 1911, during the absence of Captain G. F. F. Osborne, R.E., Officiating Deputy Manager, on privilege leave, or until further orders.

No. 282.—Mr. J. C. Hunter, District Carriage and Wagon Superintendent, North Western State Railway, in Class II, grade 4, of the Superior Revenue Establishment of State Railways is promoted to Class II, grade 3, of that establishment, with effect from the 1st October 1911.

No. 283.—Mr. W. J. Carroll, Officiating District Traffic Superintendent, North Western State Railway, is permitted to retire from the service of Government under the provisions of Article 650 of the Civil Service Regulations, with effect from the 20th October 1911.

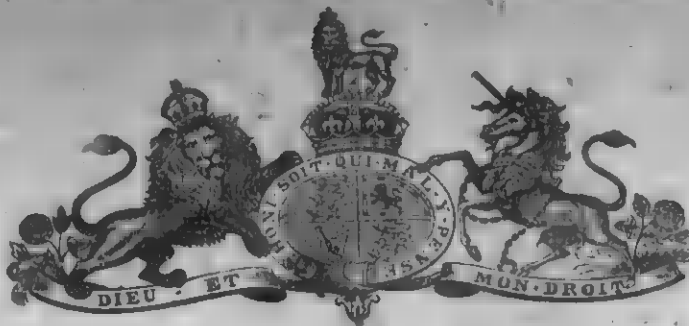
**No. 284.**—The leave granted to Mr. T. A. Hindmarsh, Locomotive Superintendent, Eastern Bengal State Railway, in Railway Board Notification No. 129, dated the 5th May 1911, is further extended by His Majesty's Secretary of State for India by five months and four days on medical certificate and twenty-seven days extraordinary leave without pay on medical certificate.

**No. 285.**—Messrs. Ram Singh and Dina Nath Batra, qualified students of the Thomson Civil Engineering College, Rurki, are appointed to the Provincial Service of the Engineering Establishment of State railways as Assistant Engineers, with effect from the 16th and 21st September 1910, respectively, and are posted as follows:—

Mr. Ram Singh to the North Western State Railway.

Mr. D. N. Batra to the Eastern Bengal State Railway.

R. C. F. VOLKERS,  
*Secretary, Railway Board.*



# The Gazette of India.

PUBLISHED BY AUTHORITY.

No. 44. } SIMLA, SATURDAY, NOVEMBER 4, 1911.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

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## PART I.

Government of India Notifications, Appointments, Promotions, &c.

### LEGISLATIVE DEPARTMENT.

#### NOTIFICATION.

Simla, the 3rd November 1911.

No. 35.—In pursuance of the provisions of Regulation XI (1) of the Regulations for the nomination and election of Additional Members of the Legislative Council of the Governor General, the Jagirdars and Zamindars of Sind have elected the Hon'ble Mr. Gulam Muhammad Walad Khan Bahadur Wali Muhammad Bhurgri, Barrister-at-Law, to be an Additional Member of the said Council, *vice* the Hon'ble Mir Allahbuksh Khan Talpur, deceased.

W. H. VINCENT,

Secretary to the Government of India.



## HOME DEPARTMENT.

## NOTIFICATIONS.

## JUDICIAL.

*Simla, the 1st November, 1911.*

No. 1672.—IN exercise of the power conferred by section 27 of the Indian Arms Act, 878 (XI of 1878), the Governor-General in Council is pleased to direct that the following amendments shall be made in the Indian Arms Rules, 1909, namely:—

## 1. In Schedule I—

(a) In clause (4), after the word "Myook", the words "every gazetted officer of the Provincial service of the Survey of India or of the Geological Survey" shall be inserted.

(b) For clause (20), the following shall be substituted, namely:—

(20) The undermentioned persons belonging to the Bhavnagar State Imperial Service Lancers, while temporarily residing or travelling in British India—	The swords of honour presented to them by His Highness the Thakorashah of Bhavnagar in recognition of their services in South Africa during the late War.	.....	Those contained in section 15.
1. Kot Daffedar Hanubhai Ranchooji.			
2. Daffedar Mangalsinh Sheoprasad.			
3. Daffedar Kalsinh Moluhha.			
4. Farrier Jehangir Khan Chhotokhan.			
5. Farrier Ismail Govind.			
6. Farrier Shukh Abdulkhan Shukh Husein.			
7. Sowar Ramprasad Metadia.			
8. Sowar Kirpalsinh Radhulsinh.			
9. Sowar Jitubha Kala.			
10. Sowar Nathubhai Madarsinh.			

(c) In clause (21), after the words "regimental employ", the words "every officer of the Native Indian Land Forces holding a commission from His Majesty the King-Emperor" shall be inserted, and the following shall be added to the clause, namely:—

"Explanation. The term "commission" as used in this clause does not include a commission conferring honorary rank".

## 2. In Schedule II—

(a) In the second and third columns of the entry relating to "British India", after clause (c) of the entry relating to "Toy Cannon, etc.", the following shall be inserted, namely:—

"Sights for rifles imported for the use of, or for sale to the persons enumerated in clause (21) of Schedule I, or non-commissioned officers and soldiers of the British or Indian Army on a written permit from the Officer Commanding the regiment to which they belong." } All.

(b) From clause (c) of the entry relating to "the province of Eastern Bengal and Assam", the words "and the Cachar" shall be omitted.

## MEDICAL.

*The 31st October, 1911.*

No. 1082.—The services of Lieutenant-Colonel B. B. Grayfoot, M.D., I.M.S., are replaced at the disposal of the Government of Bombay.

A. EARLE,

Secretary to the Government of India.

## DEPARTMENT OF EDUCATION.

## NOTIFICATIONS.

## ECCLESIASTICAL.

*Simla, the 3rd November, 1911.*

No. 490.—The Reverend Ormonde Winstanley Birch has been appointed a chaplain on probation on the Bengal (Calcutta) Ecclesiastical Establishment, to fill an existing vacancy.

## SANITARY.

*The 3rd November, 1911.*

No. 2062.—The services of Captain W. S. Nealor, I.M.S., are placed temporarily at the disposal of the Government of Burma for employment on plague duty.

L. PORTER,

*Secretary to the Government of India.*

## DEPARTMENT OF REVENUE AND AGRICULTURE.

## NOTIFICATION.

## CIVIL VETERINARY ADMINISTRATION.

*Simla, the 2nd November, 1911.*

No. 2559—80-8.—Mr. H. E. Cross M.R.C.V.S., D.V.H., A. Sc. (Dunelm), Assistant Bacteriologist, Imperial Bacteriological Laboratory, Muktesar, is confirmed in the Indian Civil Veterinary Department, with effect from the 15th August 1911.

E. D. MACLAGAN,

*Secretary to the Government of India.*

## PUBLIC WORKS DEPARTMENT.

## NOTIFICATION.

*Simla, the 3rd November, 1911.*

No. 38.—With reference to Public Works Department Notification Nos. 31 and 34, dated the 13th September and 5th October 1911, respectively, the services of Mr. V. Stainton, Executive Engineer, are replaced at the disposal of the Government of the Punjab, Public Works Department, with effect from the 2nd November 1911.

W. B. GORDON,

*Secretary to the Government of India.*

## FOREIGN DEPARTMENT.

## NOTIFICATIONS.

*Simla, the 3rd November 1911.*

No. 38-I.E.—His Excellency the Grand Master of the Most Eminent Order of the Indian Empire is pleased to announce that His Imperial Majesty the KING-EMPEROR OF INDIA, has been graciously pleased to make the following appointment to the said Order :

*To be a Knight Grand Commander.*

His Excellency Sir THOMAS DAVID GIBSON-CARMICHAEL, Bart., K.C.M.G.,  
Governor of the Presidency of Madras.

By Order of the Grand Master,

A. H. McMAHON,

*Secretary to the Most Eminent**Order of the Indian Empire.*

*Simla, the 31st October, 1911.*

**No. 2044-G.**—With reference to Notification No. 1478-G., dated the 4th August, 1911, the provisional recognition of the appointment of Monsieur Lucien Combe as Vice-Consul for Belgium at Bombay, has been confirmed by His Majesty's Government.

**No. 3052-Est.-A.**—Major A. H. Buist, Queen's Own Corps of Guides, is placed on special duty under the Government of India in the Foreign Department, with effect from the 1st October, 1911, and until further orders.

*The 1st November, 1911.*

**No. 3057-Est.-A.**—Captain R. J. W. Heale, a Political Assistant, is posted as Assistant Commissioner and Commandant, Border Military Police, Bannu, with effect from the 12th October, 1911.

*The 2nd November, 1911.*

**No. 2077-G.**—With the sanction of His Majesty's Government, the Governor-General in Council is pleased to recognise the appointment of Mr. E. F. B. Wyatt as Vice-Consul for Norway at Karachi.

**No. 2080-G.**—With the sanction of His Majesty's Government, the Governor-General in Council is pleased to recognise the appointment of Mr. A. Gardiner as Vice-Consul for Norway at Cocanada.

**No. 3068-Est.-A.**—The Hon'ble Lieutenant-Colonel A. F. Pinhey, C.S.I., C.I.E., an officiating Resident of the 1st class and Resident, Hyderabad, is confirmed in that appointment, with effect from the 26th October, 1911.

**No. 3072-Est.-A.**—The Hon'ble Mr. M. F. O'Dwyer, C.S.I., an officiating Resident of the 1st class, and Agent to the Governor General in Central India, is confirmed in that appointment, with effect from the 23rd August, 1911.

*The 3rd November, 1911.*

**No. 2392-I-B.**—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, the Governor General in Council is pleased to direct that the following addition shall be made to the First Schedule to the notification of the Government of India in the Foreign Department, No. 2477-I-B., dated the 16th December, 1910, applying certain Acts to the Civil and Military Station of Bangalore, as amended by the like Notification No. 2514-I-B., dated the 21st December, 1910, namely:

After entry No. 67-A., the following shall be added, namely:—

"67-B.—The Ancient Monuments Preservation Act, 1904 (VII of 1904)."

**No. 2094-G.**—In continuation of the Notification in the Foreign Department, No. 1884-G., dated the 6th October, 1911, the following Proclamation by His Majesty the King which appeared in the *London Gazette* Extraordinary of the 3rd October, 1911, is republished for general information and guidance:—

By the KING.

#### A PROCLAMATION.

**GEORGE, R. 1.**

WHEREAS we are happily at Peace with all Sovereigns, Powers and States:

And whereas a State of War unhappily exists between His Majesty The King of Italy, and His Imperial Majesty The Sultan of Turkey, and between their respective Subjects, and others inhabiting within their Countries, Territories or Dominions:

And whereas We are on terms of Friendship and amicable intercourse with each of these Powers, and with their several subjects, and others inhabiting within their Countries, Territories, or Dominions:

And whereas great Numbers of Our Loyal Subjects reside and carry on Commerce, and possess Property and Establishments, and enjoy various Rights and Privileges, within the Dominions of each of the aforesaid Powers, protected by the Faith of Treaties between Us and each of the aforesaid Powers:

And whereas We, being desirous of preserving to Our Subjects the Blessings of Peace, which they now happily enjoy, are firmly purposed and determined to maintain a strict and impartial Neutrality in the said State of War unhappily existing between the aforesaid Powers:

We, therefore, have thought fit, by and with the advice of Our Privy Council, to issue this Our Royal Proclamation:

And We do hereby strictly charge and command all Our loving Subjects to govern themselves accordingly, and to observe a strict neutrality in and during the aforesaid War, and to abstain from violating or contravening either the Laws and Statutes of the Realm in this behalf, or the Law of Nations in relation thereto, as they will answer to the contrary at their peril:

And whereas in and by a certain Statute made and passed in a Session of Parliament holden in the 33rd and 34th year of the reign of Her late Majesty Queen Victoria, intituled "An Act to Regulate the conduct of Her Majesty's Subjects during the existence of Hostilities between Foreign States with which Her Majesty is at Peace," it is, among other things, declared and enacted as follows:—

"This Act shall extend to all the Dominions of Her Majesty, including the adjacent territorial Waters.

#### *Illegal Enlistment.*

"If any Person, without the License of Her Majesty, being a British Subject, within or without Her Majesty's Dominions, accepts or agrees to accept any Commission or Engagement in the Military or Naval Service of any Foreign State at War with any Foreign State at Peace with Her Majesty, and in this Act referred to as a friendly State, or whether a British Subject or not, within Her Majesty's Dominions, induces any other Person to accept or agree to accept any Commission or Engagement in the Military or Naval Service of any such Foreign State as aforesaid,—

"He shall be guilty of an Offence against this Act, and shall be punishable by Fine and Imprisonment, or either of such punishments, at the discretion of the Court before which the Offender is convicted; and Imprisonment, if awarded, may be either with or without Hard Labour.

"If any Person without the License of Her Majesty, being a British Subject, quits or goes on board any Ship with a view of quitting Her Majesty's Dominions, with intent to accept any Commission or Engagement in the Military or Naval Service of any Foreign State at War with a friendly State, or, whether a British Subject or not, within Her Majesty's Dominions, induces any other Person to quit or to go on board any Ship with a view of quitting Her Majesty's Dominions with the like intent,—

"He shall be guilty of an Offence against this Act, and shall be punishable by Fine and Imprisonment, or either of such punishments, at the discretion of the Court before which the Offender is convicted; and Imprisonment, if awarded, may be either with or without Hard Labour.

"If any Person induces any other Person to quit Her Majesty's Dominions or to embark on any Ship within Her Majesty's Dominions under a Misrepresentation or false Representation of the Service in which such Person is to be engaged, with the intent or in order that such Person may accept or agree to accept any Commission or Engagement in the Military or Naval Service of any Foreign State at War with a friendly State,—

"He shall be guilty of an Offence against this Act, and shall be punishable by Fine and Imprisonment, or either of such punishments, at the discretion of the Court before which the Offender is convicted; and Imprisonment, if awarded, may be with or without Hard Labour.

"If the Master or Owner of any Ship, without the License of Her Majesty, knowingly either takes on board, or engages to take on board, or has on board such Ship within Her Majesty's Dominions any of the following Persons, in this Act referred to as illegally enlisted Persons, that is to say,—

"(1) Any Person who, being a British Subject within or without the Dominions of Her Majesty, has, without the License of Her Majesty, accepted or agreed to accept any Commission or Engagement in the Military or Naval Service of any Foreign State at War with any friendly State:

"(2) Any Person, being a British Subject, who, without the License of Her Majesty, is about to quit Her Majesty's Dominions with intent to accept any Commission or Engagement in the Military or Naval Service of any Foreign State at War with a friendly State:

"(3) Any Person who has been induced to embark under a Misrepresentation or false Representation of the service in which such Person is to be engaged, with the intent or in order that such Person may accept or agree to accept any Commission or Engagement in the Military or Naval Service of any Foreign State at War with a friendly State:

"Such Master or Owner shall be guilty of an Offence against this Act, and the following Consequences shall ensue; that is to say,—

"(1) The Offender shall be punishable by Fine and Imprisonment, or either of such punishments at the discretion of the Court before which the Offender is convicted; and Imprisonment, if awarded, may be either with or without Hard Labour: and

" (2) Such Ship shall be detained until the Trial and Conviction or Acquittal of the Master or Owner, and until all Penalties inflicted on the Master or Owner have been paid, or the Master or Owner has given Security for the Payment of such Penalties to the Satisfaction of Two Justices of the Peace, or other Magistrate or Magistrates having the Authority of Two Justices of the Peace : and

" (3) All illegally enlisted Persons shall immediately on the Discovery of the Offence be taken on Shore, and shall not be allowed to return to the Ship.

*Illegal Shipbuilding and Illegal Expeditions.*

" If any Person within Her Majesty's Dominions, without the License of Her Majesty, does any of the following Acts ; that is to say,—

" (1) Builds or agrees to build, or causes to be built any Ship with intent or knowledge, or having reasonable cause to believe that the same shall or will be employed in the Military or Naval Service of any Foreign State at War with any friendly State : or

" (2) Issues or delivers any Commission for any Ship with intent or knowledge, or having reasonable cause to believe that the same shall or will be employed in the Military or Naval Service of any Foreign State at War with any friendly State : or

" (3) Equips any Ship with intent or knowledge, or having reasonable cause to believe that the same shall or will be employed in the Military or Naval Service of any Foreign State at War with any friendly State : or

" (4) Despatches, or causes or allows to be despatched, any Ship with intent or knowledge, or having reasonable cause to believe that the same shall or will be employed in the Military or Naval Service of any Foreign State at War with any friendly State :

" Such Person shall be deemed to have committed an Offence against this Act, and the following Consequences shall ensue :

" (1) The Offender shall be punishable by Fine and Imprisonment, or either of such punishments, at the discretion of the Court before which the Offender is convicted ; and Imprisonment, if awarded, may be either with or without Hard Labour.

" (2) The Ship in respect of which any such Offence is committed, and her Equipment shall be forfeited to Her Majesty :

" Provided that a Person building, causing to be built, or equipping a Ship in any of the cases aforesaid, in pursuance of a contract made before the commencement of such War as aforesaid, shall not be liable to any of the Penalties imposed by this Section in respect of such building or equipping if he satisfies the conditions following ; (that is to say),—

" (1) If forthwith upon a Proclamation of Neutrality being issued by Her Majesty he gives Notice to the Secretary of State that he is so building, causing to be built, or equipping such Ship, and furnishes such Particulars of the Contract and of any matters relating to, or done, or to be done under the Contract as may be required by the Secretary of State :

" (2) If he gives such security, and takes and permits to be taken such other measures, if any, as the Secretary of State may prescribe for ensuring that such Ship shall not be despatched, delivered, or removed without the License of Her Majesty until the termination of such War as aforesaid.

" Where any ship is built by order of or on behalf of any Foreign State when at War with a friendly State, or is delivered to or to the order of such Foreign State, or any person who to the Knowledge of the Person building is an Agent of such Foreign State, or is paid for by such Foreign State, or such Agent, and is employed in the Military or Naval Service of such Foreign State, such Ship shall, until the contrary is proved, be deemed to have been built with a view to being so employed, and the Burden shall lie on the Builder of such Ship of proving that he did not know that the Ship was intended to be so employed in the Military or Naval Service of such Foreign State.

" If any Person within the Dominions of Her Majesty, and without the License of Her Majesty,—

" By adding to the number of the Guns, or by changing those on board for other Guns, or by the addition of any Equipment for War, increases or augments, or procures to be increased or augmented, or is knowingly concerned in increasing or augmenting the warlike Force of any Ship which at the time of her being within the Dominions of Her Majesty was a Ship in the Military or Naval Service of any Foreign State at War with any friendly State,—

" Such Person shall be guilty of an Offence against this Act, and shall be punishable by Fine and Imprisonment, or either of such punishments, at the discretion of the Court before which the Offender is convicted, and Imprisonment, if awarded, may be either with or without Hard Labour.

"If any Person within the limits of Her Majesty's Dominions, and without the License of Her Majesty,—

"Prepares or fits out any Naval or Military Expedition to proceed against the Dominions of any friendly State, the following Consequences shall ensue:

"(1) Every Person engaged in such preparation or fitting out, or assisting therein, or employed in any capacity in such Expedition, shall be guilty of an Offence against this Act, and shall be punishable by Fine and Imprisonment, or either of such punishments, at the discretion of the Court before which the Offender is convicted; and Imprisonment, if awarded, may be either with or without Hard Labour.

"(2) All Ships, and their Equipments, and all Arms and Munitions of War, used in or forming part of such Expedition, shall be forfeited to Her Majesty.

"Any person who aids, abets, counsels, or procures the Commission of any Offence against this Act shall be liable to be tried and punished as a principal Offender."

"And whereas by the said Act it is further provided that Ships built, commissioned, equipped or despatched in contravention of the said Act, may be condemned and forfeited by judgment of the Court of Admiralty; and that if the Secretary of State or Chief Executive Authority is satisfied that there is a reasonable and probable cause for believing that a Ship within Our Dominions has been or is being built, commissioned, or equipped, contrary to the said Act, and is about to be taken beyond the limits of such Dominions, or that a Ship is about to be despatched contrary to the Act, such Secretary of State or Chief Executive Authority shall have power to issue a warrant authorizing the seizure and search of such Ship and her detention until she has been either condemned or released by Process of Law. And whereas certain powers of seizure and detention are conferred by the said Act on certain Local Authorities;

Now, in order that none of Our Subjects may unwarily render themselves liable to the Penalties imposed by the said Statute, We do hereby strictly command that no Person or Persons whatsoever do commit any Act, Matter, or Thing whatsoever contrary to the Provisions of the said Statute, upon pain of the several Penalties by the said Statute imposed and of Our high Displeasure.

And We do hereby further warn and admonish all Our loving Subjects, and all Persons whatsoever entitled to Our Protection, to observe towards each of the aforesaid Powers, their Subjects, and Territories, and towards all Belligerents whatsoever with whom We are at Peace, the Duties of Neutrality; and to respect, in all and each of them, the Exercise of Belligerent Rights.

And We hereby further warn all Our loving Subjects, and all Persons whatsoever entitled to Our Protection, that if any of them shall presume, in contempt of this Our Royal Proclamation, to do any acts in derogation of their Duty as Subjects of a Neutral Power in a War between other Powers, or in violation or contravention of the Law of Nations in that behalf, all Persons so offending will rightfully incur and be justly liable to the Penalties denounced by such Law.

And We do hereby give Notice that all Our Subjects and Persons entitled to Our Protection who may misconduct themselves in the Premises will do so at their peril, and of their own wrong; and that they will in no wise obtain any Protection from Us against such Penalties as aforesaid.

Given at Our Court at *Balmoral*, this third day of October, in the year of Our Lord one thousand nine hundred and eleven, and in the Second year of Our reign.

GOD save the KING.

J. B. WOOD,

*Additional Secretary to the Government of India.*

## FINANCE DEPARTMENT.

### NOTIFICATIONS.

#### LEAVE AND APPOINTMENTS.

*Simla, the 28th October, 1911.*

No. 6635-F.E.—Mr. V. C. Scott O'Connor is posted as Deputy Auditor General, with effect from the date of his return from leave.

*The 31st October, 1911.*

**No. 6695-F.E.**—With effect from the 20th October 1911,

Lieutenant-Colonel W. G. R. Cordue, R.E., has been posted to Calcutta as Mint Master,

Captain G. H. Willis, R.E., has reverted to his substantive appointment as Deputy Mint Master, and

Captain H. J. K. Wallis, I.A., to his special duty in the Bombay Mint.

*Simla, the 3rd November, 1911.*

**No. 6781-F.E.**—The following reversions and promotions in the Indian Finance Department are notified:—

With effect from the 3rd August 1911,

Mr. B. W. Kissan, I.C.S., to revert to class II of the General List.

With effect from the 28th July 1911,

Mr. A. H. Wollaston, Examiner, class I, temporary, to officiate in class I of the Public Works List,

Mr. R. Srinivasa Ayyar, Examiner, class II, temporary (old scale), to officiate in class II (old scale) of the Public Works List, and

Mr. C. Muirhead to officiate in class I of the Public Works List.

With effect from the 16th August 1911,

Mr. K. Balarama Ayyar to officiate in class I of the Public Works List.

With effect from the 5th September 1911,

Mr. B. W. Kissan, I.C.S., to officiate in class I of the General List.

With effect from the 14th September 1911,

Rai N. G. Basu Bahadur, C.I.E., is confirmed provisionally in class I of the General List.

Mr. H. N. Heseltine is appointed sub. *pro tem* in class I of the General List, and

Mr. L. J. W. Worgan is appointed to officiate in class I of the General List.

With effect from the 4th September 1911,

Mr. A. H. Wollaston is confirmed in class I of Examiners,

Mr. C. S. B. Sinclair is confirmed in class II (old scale) of Examiners, and

Mr. S. M. L. Bean is confirmed in class I (old scale) of Deputy Examiners.

**No. 6782-F.E.**—Mr. B. A. Harris has been posted to the Office of the Examiner of Accounts, North Western Railway, with effect from the 11th October 1911.

**No. 6783-F.E.**—Mr. V. S. Sundaram, Assistant Accountant General, Burma, has been granted privilege leave for three months, with effect from the 16th October 1911.

Mr. A. Aukim, Accountant, 1st grade, in the office of the Accountant General, Burma, has been appointed to officiate as Chief Accountant, Class II, in that office with effect from the same date and until further orders.

#### SEPARATE REVENUE. OPIUM.

*Simla, the 3rd November, 1911.*

**No. 6785-F.E.**—In exercise of the powers conferred by section 6 of the Opium Act, 1878 (1 of 1878), and in supersession of the Notification of the Government of India in the Finance and Commerce Department, No. 2930-A, dated 6th May 1904, the Governor



General in Council is pleased to notify that till further orders all opium imported into the Presidency of Bombay, in respect of which the right of exportation by sea from the Port of Bombay has been purchased in accordance with the rules notified in the Notification by the Government of Bombay, No. M-400, dated 2nd November 1911, shall be subject to the following duty upon each chest weighing 140 lbs. net avoirdupois weight, *vis*:

When covered by a pass granted at Ajmer in accordance with rule 16 of the Rules made under section 5 of the Opium Act, 1878 (1 of 1878), published by the Government of Bombay in their Notification No. 4472-A., dated 5th June 1885 ... Rs. 1,225

When covered by such a pass granted elsewhere ... .. Rs. 1,200

No. 6786-F.E.—In exercise of the powers conferred by section 6 of the Opium Act, 1878 (1 of 1878), the Governor General in Council is pleased to direct that opium imported into the Presidency of Bombay from the territory of His Highness the Gaikwar for exportation by sea from the Port of Bombay during the calendar year 1912 shall be subject, in addition to the rate of pass duty notified under section 6 of the Opium Act, to duty at such rate for each chest as may be certified by the Collector of Customs, Bombay, to be the average rate per chest at which bids for the right of export of Malwa opium have been accepted by him at the auctions already held during the calendar year in which any opium is imported from Baroda territory into the Bombay Presidency for exportation by sea.

J. S. MESTON,

Secretary to the Government of India.

#### FINANCE DEPARTMENT (MILITARY FINANCE).

##### NOTIFICATION.

##### LEAVE AND APPOINTMENTS.

Simla, the 3rd November, 1911.

No. 1488-Accts.—Captain S. G. V. Ellis, I. A., Assistant Military Accountant, 2nd class, Military Accounts Department, is granted one year's leave out of India on private affairs, from the 2nd November 1911, or from the date thereafter on which he may avail himself of it, under the leave rules of 1886 for the Indian Army. Pension service 13th year commenced, 20th May 1911.

J. B. BRUNYATE,

Joint Secretary to the Government of India.

#### DEPARTMENT OF COMMERCE AND INDUSTRY.

##### NOTIFICATIONS.

##### TELEGRAPH ESTABLISHMENT.

Simla, the 4th November, 1911.

No. 8112-6.—Mr. H. E. Chappel, Director, 3rd class, has been granted by His Majesty's Secretary of State for India extraordinary leave without pay for seven days, with effect from the 23rd of September 1911 in continuation of the leave notified in this Department's Notification No. 1613-217, dated the 4th of March 1911.

##### GEOLOGY AND MINERALS.

The 4th November, 1911.

No. 8131-142.—Mr. G. H. Tipper, Assistant Superintendent, Geological Survey of India, is appointed as Palaeontologist, Geological Survey of India, with effect from the forenoon of the 14th October 1911, *vice* Mr. E. Vredenburg.

No. 8132—142.—Mr. J. Coggin Brown, Assistant Superintendent, Geological Survey of India, is appointed Curator of the Geological Survey Museum, with effect from the forenoon of the 14th October 1911, *vice* Mr. G. H. Tipper.

No. 8203—139.—In supersession of Notification No. 7186—139 (Geology and Minerals), dated the 30th September 1911, Mr. E. Vredenburg, Superintendent, Geological Survey of India, is granted privilege leave for one month and thirteen days combined with study leave for four months and twenty-nine days, with effect from the afternoon of the 13th October 1911.

No. 8205—139.—Mr. G. H. Tipper, Assistant Superintendent, Geological Survey of India, is appointed, until further orders, to officiate as Superintendent, with effect from the forenoon of the 14th October 1911, *vice* Mr. E. Vredenburg, on leave.

B. ROBERTSON,

*Secretary to the Government of India.*

### ARMY DEPARTMENT.

*Simla, the 3rd November 1911.*

#### APPOINTMENTS.

##### PERSONAL STAFF.

No. 894.—The Viceroy and Governor-General has been pleased to make the following appointment on His Excellency's Personal Staff, with effect from the 26th October 1911:—

*To be Aide-de-Camp.*

Lieutenant F. A. Nicolson, 15th (King's) Hussars, *vice* Captain W. W. Muir, 15th Lohjiana Sikhs, reverted to Extra Aide-de-Camp.

##### CANTONMENT MAGISTRATES' DEPARTMENT.

No. 895.—The services of Captain W. L. Meade, 95th Russell's Infantry, are placed at the disposal of the Hon'ble the Resident at Hyderabad for employment as an Officiating Assistant Cantonment Magistrate; with effect from the 3rd July 1911.

#### COMMANDS.

No. 896.—Major-General A. Wilson, C.B., British Service, to be a Brigade Commander, *vice* Major-General H. D. B. Watkis, C.B., Indian Army, vacated. Dated 22nd October, 1911.

#### LONDON GAZETTE.

No. 897.—The following extract is published for general information:—

*"London Gazette," dated the 13th October 1911, page 7466.*

\* \* \* \* \*

*India Office,*

*October 13, 1911.*

The KING has approved of the following promotions of Officers of the Indian Army:—

*Lieutenants to be Captains.*

Dated 12th August 1911.

James Ranwell, 26th King George's Own Light Cavalry.

Dated 22nd August 1911.

Francis Lloyd Dyer, 93rd Burma Infantry.

The KING has approved of the admission of the undermentioned Officers to the Indian Army:—

*Lieutenant to be Captain.*

Charles Wilfred Hext, from the Devonshire Regiment. Dated 18th August 1911, but to rank from 5th January 1910. Captain Hext's rank as Lieutenant is antedated to 5th April 1903.

*Lieutenants to be Lieutenants.*

Arthur FitzGerald, from the Duke of Cambridge's Own (Middlesex Regiment). Dated 13th August 1911. Lieutenant FitzGerald's rank as Lieutenant is antedated to 21st September 1907.

Lieutenant Oscar Brown, by exchange from the Northamptonshire Regiment. Dated 7th September 1911. Lieutenant Brown's rank as Lieutenant is postdated to 19th December 1910.

The KING has approved of the retirement of the undermentioned Officers of the Indian Army and Indian Subordinate Medical Department:—

INDIAN ARMY.

Brevet Colonel Alexander MacWhirter Renny. Dated 11th September 1911.

Brevet Colonel Harry John Bremner. Dated 1st October 1911.

Major Frederic Nuthall Burton. Dated 10th October 1911.

Major John Rattray Nuttall. Dated 11th October 1911.

INDIAN SUBORDINATE MEDICAL DEPARTMENT.

Senior Assistant Surgeon and Honorary Lieutenant David Waller. Dated 16th July 1911.

\* \* \* \* \*

PROMOTIONS.

INDIAN ARMY.

No. 898.—The following promotion is made, subject to His Majesty's approval:—

*Lieutenant to be Captain.*

24th September 1911.

Alexander James Douglas Thomson, Civil Employ.

INDIAN SUBORDINATE MEDICAL DEPARTMENT.

SUB-ASSISTANT SURGEON BRANCH.

*Madras Establishment.*

No. 899.—2nd Class Senior Sub-Assistant Surgeon, ranking as Jemadar, S. Solomon, to be Senior Sub-Assistant Surgeon, 1st Class, ranking as Subadar, and

No. 1206, 1st Class Sub-Assistant Surgeon J. E. D'Cruis, to be Senior Sub-Assistant Surgeon, 2nd Class, ranking as Jemadar,

vice 1st Class Senior Sub-Assistant Surgeon, ranking as Subadar, M. T. N. Rajagopal Nayudu, deceased; with effect from the 15th September 1911.

*Barrack Department, Punjab-Bengal.*

No. 900.—Sergeant Frank Lewis Tilley, Barrack Sergeant, Military Works Services, to be Sub-Conductor, on augmentation of establishment; with effect from the 19th October 1911.

## NATIVE ARMY.

## APPOINTMENTS AND PROMOTIONS.

No. 901.—The following promotions are made :—

*15th Lancers (Curzon's Multanis).*

Kote-Dafadar Muhammad Afzal Khan to be Jemadar, to fill an existing vacancy; with effect from the 29th June 1911.

*35th Scinde Horse.*

Kote-Dafadar Mall Khan to be Jemadar, *vice* Abdul Hakim Khan, seconded; with effect from the 9th September 1911.

*36th Jacob's Horse.*

Kote-Dafadar Sultan Khan to be Jemadar, *vice* Jahan Khan, transferred to the pension establishment; with effect from the 1st April 1911.

*13th Rajputs (The Shekhawati Regiment).*

Subadar Agar Singh to be Subadar-Major and Jemadar Ramdhan Singh to be Subadar, *vice* Ramabalam Singh, transferred to the pension establishment; with effect from the 16th September 1911.

Havildar Rohtan Singh to be Jemadar, *vice* Harnam Singh, transferred to the pension establishment; with effect from the 1st October 1911.

*47th Sikhs.*

Havildar Uttam Singh to be Jemadar, *vice* Sultana Singh, transferred to the pension establishment; with effect from the 3rd October 1911.

Jemadar Harnam Singh to be Subadar and Havildar Baryam Singh to be Jemadar, *vice* Uttam Singh, transferred to the pension establishment; with effect from the 16th October 1911.

*108th Infantry.*

Jemadar Bahadur Khan to be Subadar and Havildar Saheb Dad to be Jemadar, *vice* Abdul Rahman Khan, transferred to the pension establishment; with effect from the 1st October 1911.

*120th Rajputana Infantry.*

Jemadar Sri Bahadur Singh to be Subadar and Color-Havildar Tej Singh to be Jemadar, *vice* Sohanpal Singh, transferred to the pension establishment; with effect from the 1st October 1911.

*86th Carnatic Infantry.*

No. 902.—In Army Department Notification No. 763, dated the 8th September 1911, for "Fakhr-ud-din," read "Saiyid-Fakhr-ud-din".

## SUPPLY AND TRANSPORT CORPS.

No. 903.—The following appointment is made in the Reserve of the Supply and Transport Corps :—

*To be Ressaidar.*

Malak Bar Khurdar of the Mianwali District.

## RESIGNATIONS.

## INDIAN SUBORDINATE MEDICAL DEPARTMENT.

## SUB-ASSISTANT SURGEON BRANCH.

*Madras Establishment.*

No. 904.—No. 1347, 3rd Class Sub-Assistant Surgeon Rangasami Brahaspati is permitted to resign the service ; with effect from the 15th November 1911.

## VOLUNTEER CORPS.

## APPOINTMENTS, PROMOTIONS AND RESIGNATIONS.

*Rangoon Volunteer Rifles.*

No. 905.—Lieutenant Robert Francis Greer to be Captain, to fill an existing vacancy. Dated 14th September 1911.

*Oudh and Rohilkhand Railway Volunteer Rifles.*

No. 906.—Lieutenant Thomas William Wrench to be Captain, to fill an existing vacancy. Dated 2nd September 1911.

Second Lieutenant Frank Jackson to be Lieutenant, to fill an existing vacancy. Dated 2nd September 1911.

Second Lieutenant Alexander Hepburn McLean, Supernumerary List, to be Lieutenant, vice T. W. Wrench, promoted. Dated 2nd September 1911.

Neville William Synnott, to be Second Lieutenant, to fill an existing vacancy. Dated 2nd September 1911.

Aidan Oswald Evans to be Second Lieutenant, to fill an existing vacancy. Dated 2nd September 1911.

## MEDALS AND DECORATIONS.

No. 907.—His Excellency the Governor-General of India is pleased to confer the Volunteer Officers' Decoration upon the undermentioned officers :—

*United Provinces Horse.**and (Northern) Regiment.*

Lieutenant-Colonel (Honorary Colonel) the Hon'ble John Alexander Broun, C.S.I., A.D.C.

*Bombay Volunteer Artillery.*

Major Robert William Rudall Pennington.

## CANTONMENTS.

## REGULATIONS.

No. 908.—The following draft of certain rules, which it is proposed to make in exercise of the powers conferred by section 24 of the Cantonments Act, 1910 (XV of 1910), is published as required by section 25, sub-section (1) of the said Act, for the information of persons likely to be affected thereby, and notice is given that the draft will be taken into consideration by the Governor-General in Council on or after the 4th December 1911.

Any objection or suggestion, which may be received from any person with respect to the draft before the date fixed aforesaid, will be considered by the Governor-General in Council.

This notification supersedes the notification of the Government of India in the Army Department, No. 865, dated the 10th September 1909, so far as the draft rules in the said notification bearing the corresponding numbers are concerned :—

*Draft Rules.*

In the draft Cantonment Code, which was published with the notification of the Government of India in the Army Department, No. 865, dated the 10th September 1909, the following modifications shall be made, namely :—

For the *Explanation* to Section 264, the following shall be substituted, namely :—

" *Explanation.*—Form A in Schedule VI shall be applicable to leases of land applied for by a railway company, or for the purpose of erecting a hospital, school or other public building. Form B shall be applicable in cases of extensions of existing sites ; or where it is desired to regularise existing grants ; or in other exceptional cases where the grant of leases for a term of years is not suitable ; Form C shall be applicable to leases of land situated in a bazaar ; and Form D shall be applicable to all other leases of land under this Chapter ".

SCHEDULE VI.—Form A.—In the fourth clause, after the word "occupy" the words "and enjoy" shall be omitted.

In the first sentence of Condition III of the Annexure to Form A, after the word "state" the words "of ruin" shall be omitted.

After the Annexure to Form A, the following form of lease shall be inserted as Form B :—

#### FORM B.

(See Section 264, Cantonment Code, 1911.)

FORM OF LEASE FOR AN INDEFINITE TERM TO BE EXECUTED IN CASES OF EXTENSIONS OF EXISTING SITES; OR WHERE IT IS DESIRED TO REGULARISE EXISTING GRANTS; OR IN OTHER EXCEPTIONAL CASES WHERE THE GRANT OF LEASES IN FORMS A, C AND D IS NOT SUITABLE.

This Indenture, made the \_\_\_\_\_ day of \_\_\_\_\_

, BETWEEN THE SECRETARY OF STATE FOR INDIA IN COUNCIL

(hereinafter called the Secretary of State which expression where the context so admits shall include his successors in office and assigns), of the one part, and

son of \_\_\_\_\_

of \_\_\_\_\_

(hereinafter called the Lessee which expression where the context so admits shall include his heirs, executors, administrators and assigns), of the other part.

WHEREAS the Lessee has applied for permission to occupy, for the purpose of a building-site, the land belonging to the Government in the Cantonment which is delineated in the site-plan hereto appended, and has submitted with his application the particulars and documents required by sections 261 and 262 of the Cantonment Code, 1911;

AND WHEREAS the said application has received the sanction of the Officer Commanding the \_\_\_\_\_ Division;

NOW THIS INDENTURE WITNESSETH as follows :

1. The Secretary of State doth hereby grant unto the Lessee liberty and license to enter into and upon the piece or parcel of land delineated in the site-plan hereto appended, and to occupy the same as a site for the erection of buildings, and henceforth to hold and enjoy the same and any buildings erected by him thereon,\* subject to the conditions set forth in the annexure hereto.

2. The Lessee doth hereby covenant with the Secretary of State that the Lessee shall and will duly [pay the said rent in the manner provided in the annexure hereto and] observe all and every the conditions hereinbefore referred to and on his part to be observed.

IN WITNESS whereof the said parties hereto have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered by the

\_\_\_\_\_  
Officer Commanding the \_\_\_\_\_ Division, acting in the premises for and on behalf of  
the Secretary of State for India in Council,

in the presence of

Signed, sealed and delivered by the above-named

Signature of Lessee \_\_\_\_\_

in the presence of

Signature of Witness \_\_\_\_\_

NOTE.—Copies of this form can be obtained gratis on application to the Cantonment Magistrate.

\* Fill in as the case may be, "free of rent but", or "subject to the payment of the yearly rent of rupees \_\_\_\_\_ and".

† The words in brackets to be omitted, if the land is rent-free.

‡ When the parties execute on separate dates, omit the words "the day and the year first above written" and add the dates below the signatures. The last of such dates will be entered in the commencement as the day of making the Indenture.

## ANNEXURE TO FORM B.

## CONDITIONS.

In these conditions—

- (a) "house" means the house erected on the land occupied by the Lessee, and includes the land and buildings appurtenant to the house; and, if any question arises whether any land or building is appurtenant to the house, it shall be decided by the Cantonment Magistrate, whose decision thereon shall, subject to revision by the District Magistrate, be final:
- (b) the expression "repairs" to a house shall be deemed to include such repairs as are usually made in the neighbourhood to buildings of the same class as that to which the house belongs, but does not include additions, improvements or alterations except in so far as they are necessary to carry out such repairs as aforesaid or have been made with the Lessee's consent:
- (c) "military officer" means a commissioned or warrant officer of the army on military duty in the cantonment, and includes a chaplain, a cantonment magistrate and any person in army departmental employment, whom the General Officer of the Command may, for the purposes of these Conditions, place on the same footing as a military officer; and
- (d) "civil officer" means a gazetted civil officer of the Government, and includes any other person in the service of the Government, not being a military officer, whom the Local Government may, for the purposes of these Conditions, place on the same footing as a civil officer.

**CONDITION I.**—The buildings to be erected on the land shall be commenced within six months from the execution of the lease, and shall be completed within the period specified in the note indorsed on the site-plan annexed hereto or within such further period (if any) as the authority which sanctioned the application under Chapter XXI of the Cantonment Code, 1911, may, by order in writing, allow.

**CONDITION II.**—(1) The said buildings shall be erected in accordance with the particulars specified in the Lessee's application under sections 261 and 262 of the said Cantonment Code and the plans and documents accompanying the same and the site-plan appended hereto or where a proposed building, alteration or addition is not in accordance therewith then in accordance with such further or other particulars as may be permitted in writing by the authority which sanctioned the application under Chapter XXI of the said Code.

(2) Any such permission may be given subject to any conditions which may be agreed upon between such authority and the Lessee.

**CONDITION III.**—The land shall not be used for any purpose other than those specified in the Lessee's application under section 261, clause (d), of the Cantonment Code, 1911; nor shall the buildings erected on the land be permitted to fall into such a state as absolutely to prevent their being used for the purposes so specified:

Provided always that if the said buildings or any part thereof shall at any time be destroyed by earthquake, fire, cyclone or other act of God or shall be so injured thereby as to render them unfit for the purposes above specified then and in such case the Lessee shall within six calendar months from such destruction or injury as aforesaid commence to rebuild the same and shall reinstate the same fit for use for the purposes aforesaid within such period not exceeding two years after the same shall have been so destroyed as aforesaid as to the Officer Commanding the Division shall seem fit. Provided nevertheless that in no such case shall the Lessee be required to reinstate the same fit for use as aforesaid within a shorter period than twelve calendar months from the date of such destruction or injury.

**CONDITION III-A.\***—The Lessee shall pay the said yearly rent of rupees by equal monthly instalments of rupees and the said instalments shall be paid on the 15th day of every month, during the continuance of this demise for the month immediately preceding.

\*This clause to be struck out if the land is rent-free.

**CONDITION IV.**—(1) Whenever the Lessee intends to transfer, by sale, gift, mortgage, or exchange, his interest in the land, or in the buildings erected on the land, or in any part of the land or buildings, he or the intended transferee shall give the Cantonment Magistrate one month's notice in writing before the transfer is completed.

Power to veto transfer of Lessee's interest in certain cases.



(2) The Officer Commanding the Division shall have power, within the said period of one month, and with the concurrence of the Local Government, to impose, by order in writing, his veto on any such transfer; and, if in any case the cantonment authority considers it desirable that the said power of veto should be exercised, it shall report the case to such Officer Commanding the Division without delay.

(3) If notice of any such transfer is not given as aforesaid, or if any such transfer is made after the same has been vetoed, the transfer shall be void.

**CONDITION V.**—Every person on whom the Lessee's interest in the land, or in the buildings erected on the land, may devolve, by transfer, by succession or by operation of law, shall send to the cantonment authority, within one month from the date of such devolution, a report in writing of the fact, together with such particulars as may be required by that authority for entry in the register maintained under section 271 or section 272, as the case may be, of the Cantonment Code, 1911.

**CONDITION VI.**—The Government reserves a right, subject to the conditions hereinafter contained, to appropriate the house at any time for occupation by any military officer or civil officer.

**CONDITION VII.**—If the Lessee lets the house to any person other than a military officer or (if the house has been set apart in accordance with Condition X for occupation by civil officers) a civil officer, possession of the house shall not be given until—

(a) such person has executed a stamped agreement undertaking to vacate the house whenever required so to do in pursuance of a notice issued under Condition VIII or Condition X without claiming any compensation, and has registered such agreement under the law for the time being in force relating to the registration of documents, and

(b) the Lessee has forwarded an attested copy of such agreement to the cantonment authority.

**CONDITION VIII.**—Whenever the cantonment authority considers that the right reserved by Condition VI should be exercised on behalf of any military officer, it may, if the house is not already occupied by a military officer, and if it has not been set apart in accordance with Condition X for occupation by civil officers, by notice in writing—

(a) require the Lessee to let the house to the military officer named in the notice, and

(b) require the existing tenant (if any) to vacate the same.

**CONDITION IX.**—If the house is occupied by a departmental military officer and the cantonment authority considers that the right reserved by Condition VI should be exercised in behalf of a regimental officer, or *vice versa*, it may, by notice in writing, require the officer in occupation to vacate the house; and may, if necessary, by further notice in writing, require the Lessee to accept the change of tenancy.

**CONDITION X.**—(1) The cantonment authority may, at any time, with the previous sanction of the Officer Commanding the Division, given with the concurrence of the Local Government, set apart the house for occupation by civil officers.

(2) If the house has been so set apart, the arrangement shall not be revoked without the concurrence of the Local Government.

(3) If, while the house is so set apart, the cantonment authority at any time considers that the right reserved by Condition VI should be exercised in behalf of any civil officer, it may, if the house is not already occupied by a civil officer, by notice in writing—

(a) require the Lessee to let the house to the civil officer named in the notice, and

(b) require the existing tenant (if any) to vacate the same.

**CONDITION XI.—(1)** Whenever a military officer or a civil officer considers that a notice should be issued in his behalf under Condition VIII, Condition IX or Condition X, he may request (in the case of a regimental officer) the Commanding Officer of his regiment, or (in the case of a departmental military officer) the local head of his department, or (in the case of a civil officer) the District Magistrate, to make an application to that effect to the cantonment authority.

(2) On receipt of any such application the cantonment authority shall inquire into the case, and it shall not issue the notice unless it is satisfied—

- (a) that the officer ought to reside in the cantonment, and
- (b) that the circumstances are such as to require its intervention, and
- (c) that the rent offered by the officer for the house is reasonable, and
- (d) if the house is vacant, that it is suitable for the residence of the officer, and
- (e) if the house is occupied, that it is suitable for the residence of the officer, and that there is no vacant house in the cantonment which is suitable for his residence.

*Explanation.*—In considering whether a house is suitable for the residence of an officer, regard shall be had to (i) the locality in which his duties chiefly lie and (ii) his rank.

**CONDITION XII.—(1)** The house shall not be occupied for the purposes of a hospital, bank, hotel, shop or school, or by a railway administration without the previous written sanction of the Officer Commanding the Division, given with the concurrence of the Local Government.

(2) Before application is made for such sanction, the Commanding Officer of the cantonment shall certify whether or not in his opinion the number of houses in the cantonment, as compared with the strength of the existing or probable garrison, renders it likely that such occupation as aforesaid would—

- (a) cause any difficulty in obtaining accommodation in the cantonment, or in the part of the cantonment in which the house is situate, for military officers or civil officers, or
- (b) necessitate the acquisition of land at some future time for the extension of the cantonment.

House not to be appropriated for military or civil officer if it is occupied, with sanction as a hospital, bank, hotel, shop or school, or by a railway administration or is otherwise appropriated by the Government.

**CONDITION XIII.**—No notice shall be issued under Condition VIII or Condition X if the house—

- (a) is occupied, with the sanction required by Condition XII, as a hospital, bank, hotel, shop or school, and has been so occupied continuously during the three years immediately preceding the time when the occasion for issuing the notice arises, or
- (b) is occupied, with the sanction aforesaid, by a railway administration, or
- (c) is appropriated by the Local Government, with the concurrence of the Officer Commanding the Division, or by the Governor General in Council, for use as a public office or for any other purpose.

**CONDITION XIV.**—Every notice to the Lessee issued under Condition VIII, Condition IX or Condition X, shall state the amount of monthly rent which the proposed tenant offers to pay for the house.

**CONDITION XV.—(1)** If the house is unoccupied, any notice issued under Condition VIII or Condition X may require the Lessee to give possession of the same to the proposed tenant within four days from the service of the notice.

(2) If the house is occupied, no such notice as aforesaid shall require its vacation in less than thirty days from the service of the notice.

**CONDITION XVI.**—(1) Subject to the terms of any agreement in writing between the Lessee and a military officer or a civil officer, and to the terms of this condition, every lease of the house to such an officer shall be deemed to be a lease from month to month, terminable—

(a) without notice, in the case of the departure of the officer from the cantonment on duty or under medical certificate, or in the case of a committee of arbitration deciding that the house has become unfit for occupation, or

(b) by one month's notice in writing to the Lessee in any other case.

(2) A notice under clause (1) of this condition must be signed by or on behalf of the officer concerned; and the Cantonment Magistrate shall, if the officer so desires, cause it to be served on the Lessee free of charge.

(3) When a military officer or a civil officer has, in pursuance of clause (1) of this condition, given up his occupation of the house without notice, and has occupied the house during a portion only of the calendar month in which his occupation ceased, he shall be liable to pay as rent for that portion a sum bearing the same proportion to the monthly rent as the said portion bears to the whole month:

Provided that the sum shall not, in any case, be less than one-fourth of the monthly rent.

**CONDITION XVII.**—If any tenant of the house, being a military officer or a civil officer, sub-lets the same without the consent of the Lessee, the sub-lease shall be voidable at the option of the Lessee.

**CONDITION XVIII.**—(1) If the Lessee considers that any rent offered by a proposed tenant and stated in a notice in accordance with Condition XIV is insufficient, he may, within a period of fifteen days from the service of such notice, require that the matter be referred by the Commanding Officer of the cantonment to a committee of arbitration.

(2) If the Lessee does not make such a requisition within the said period, he shall be deemed to have accepted the rent so offered.

(3) After such acceptance or the decision of a committee of arbitration, the amount of such rent shall not be called in question by either party except in the circumstances mentioned in clause (a) of Condition XXI.

**CONDITION XIX.**—(1) If the Lessee fails to execute any repairs to the house which any tenant, being a military or civil officer, may consider necessary, the cantonment authority may, at the request of the tenant, and if it is satisfied that such repairs or any of them are necessary, by notice in writing, require the Lessee to execute such repairs or such of them as it may consider necessary, within a period, not less than fifteen days, to be specified in the notice.

(2) If the Lessee objects to comply with any notice issued under clause (1) of this condition, he may, within fifteen days from the service of the notice, require that the matter be referred by the Commanding Officer of the cantonment to a committee of arbitration.

**CONDITION XX.**—If any tenant of the house, being a military or civil officer, considers that his lease should be terminable without notice in consequence of the house having become unfit for occupation, he may apply to the Commanding Officer of the cantonment to refer the matter to a committee of arbitration.

**CONDITION XXI.**—If the Lessee and any tenant of the house, being a military or civil officer, disagree—  
Power of either Lessee or tenant to apply for reference to arbitration on other questions.

(a) as to any change in the rent of the house which is proposed in consequence of dilapidations or additions to buildings or for any other similar reason, or

(b) on any matter relating to rent or repairs, other than a matter referred to in clause (a) of this Condition or in Condition XVIII, Condition XIX or Condition XX,

either the Lessee or the tenant may apply to the Commanding Officer of the cantonment to refer the matter to a committee of arbitration.

**CONDITION XXII.**—Whenever any matter is referred to a committee of arbitration in pursuance of Condition XVIII, Condition XIX, Condition XX or Condition XXI, the Committee shall be constituted as provided in Chapter XX of the Cantonment Code, 1911, and the Lessee and his tenant shall be bound by the decision of the committee.

**CONDITION XXIII.**—If the Lessee fails to comply with any notice issued under clause (1) of Condition XIX and has not, within fifteen days from the service of such notice, required that the matter be referred to a committee of arbitration, or

If any committee of arbitration constituted under Chapter XX of the Cantonment Code, 1911, decides that repairs are necessary, and the extent to which they are necessary, and the Lessee fails to execute such repairs within a period to be specified in a notice issued by the cantonment authority in that behalf,

the tenant of the house may himself cause the repairs specified in the notice to be executed at rates not exceeding those paid in the cantonment by the Military Works Department or the Public Works Department, and may deduct the cost thereof from the rent, or otherwise recover it from the Lessee.

**CONDITION XXIV.**—(1) If the Lessee does not commence or complete, as required by Condition I, the buildings to be erected on the land, the cantonment authority may, by notice in writing, require him to remove all or any buildings or materials which he may have erected or collected thereon; and, if he fails to comply with such notice, the cantonment authority may, after giving him six hours' further notice in writing, cause such removal to be effected and recover the cost from him, and may also cancel the lease.

(2) If the Lessee erects any building or makes any alteration or addition otherwise than as allowed by or under Condition II, the cantonment authority may, by notice in writing, require him to remove the building or to alter the same to its satisfaction; and, if he fails to comply with such notice, the cantonment authority may, after giving him six hours' further notice in writing, cause such removal or alteration to be effected and recover the cost from him.

**CONDITION XXV.**—(1) So long as the Lessee shall \* [duly pay the said rent of rupees and] observe the conditions hereinbefore specified and on his part to be observed, he may, subject to Condition XXVII, hold the land for ever without interruption by the Secretary of State.

(2) If the Lessee shall † fail to pay the said rent of rupees, for twenty-one days after the same shall have become due or shall, in the event of the said buildings being destroyed or injured, by earthquake, fire, cyclone or other act of God, fail to commence rebuilding the same as provided in Condition III hereof within six months of such destruction or injury, and to reinstate the same fit for use as provided in the said Condition III hereof, and within such period as therein provided, or shall break any of the conditions hereinbefore specified, other than Condition I or Condition II, and on his part to be observed, the Local Government may, after giving one month's notice in writing, resume the land or any portion thereof and may, on such resumption, declare all or any part of the right and interest of the Lessee, in the buildings erected on the land to be forfeited.

**CONDITION XXVI.**—The Lessee shall not be entitled to compensation for any loss incurred by reason of anything done in pursuance of Condition XXIV or Condition XXV, clause (2).

**CONDITION XXVII.**—The Local Government may resume the land or any portion thereof at any time after giving one month's notice in writing, and on payment of compensation for such buildings standing on the land or portion thereof as shall have been erected under proper authority. If there shall be any dispute as to the amount of such compensation, the same shall be referred to a committee of arbitration which shall be constituted as provided in Chapter XX of the Cantonment Code, 1911, and the Lessee shall be bound by the decision of the committee of arbitration.

**SCHEDULE VI.**—Lease Form B, for the words "Form B" the words "Form C" shall be substituted, and in the heading after the word "lease" the words "for a term of years" shall be substituted.

In paragraph 1, after the word "occupy" the words "and enjoy" shall be omitted.

In Condition III of the Annexure, the words "of ruin" shall be omitted.

Lease Form C, for the words "Form C" the words "Form D" shall be substituted, and in the heading for the words "and B" the words "B and C" shall be substituted.

In Condition III of the Annexure, the words "of ruin" shall be omitted.

In Condition XII (1) of the Annexure, and the marginal note thereto, before the word "bank", the word "hospital" shall be inserted.

In Condition XIII (a) of the Annexure and the marginal note thereto, before the word "bank", the word "hospital" shall be inserted.

#### JUDICIAL.

No. 909.—In exercise of the powers conferred by section 1, sub-section (2) of the Indian Army Act, 1911 (VIII of 1911), the Governor-General in Council is pleased to appoint the 1st January 1912, as the date on which the said Act shall come into force.

No. 910.—In pursuance of section 2, sub-section (1), clause (c), and of section 22, sub-section (1) of the Indian Army Act, 1911 (VIII of 1911), the Governor-General in Council is pleased to specify the following places to be frontier posts for the purposes of the said sections :—

##### *1st (Peshawar) Division.*

Shah-kadr.

Abazai.

Jamrud.

Dargai.

Malakand.

Chakdara.

Chitral.

Drosh.

Mada Glash.

##### *4th (Quetta) Division.*

Sibi.

The Fort of Pishin.

Fort Sandeman.

New Chaman.

Murgha.

Mir Ali Khel.

Gumbaz.

Manzai.

Robat.

##### *8th (Lucknow) Division.*

Baksa Duar.

Sadiya.

Manipur.

Kohima.

Gantok.

Gyantse.

Yatung.

*Derajat Brigade.*

Jandola.

Zam.

Drazinda.

Tank Post.

Jatta.

*Kohat Brigade.*

Fort Lockhart.

Hangu.

Thal.

No. 911.—In exercise of the powers conferred by section 113 of the Indian Army Act 1911 (VIII of 1911), the Governor-General in Council is pleased to make the following Rules for the purpose of carrying into effect the provisions of the said Act:—

All notifications issued under the Indian Articles of War (Act V of 1869) are cancelled, with effect from the date on which the Indian Army Act, 1911 (VIII of 1911), is brought into force.

**THE INDIAN ARMY ACT RULES.****CONTENTS.****CHAPTER I.****PRELIMINARY.****RULES.**

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3. Reports and Applications.
4. Forms in Appendices.
5. Exercise of power vested in holder of military office.
6. Cases unprovided for.

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7. Enrolling officers.
8. Persons to be attested.
9. Oath or affirmation to be taken on attestation.

**CHAPTER III.****DISMISSAL AND DISCHARGE.**

10. Discharge not to be delayed.
11. Discharge certificates.
12. Dismissal of convict.
13. Authorities empowered to authorize discharge.

## CHAPTER IV.

## INVESTIGATION OF CHARGES AND TRIAL BY COURT-MARTIAL.

## SECTION 1.—INVESTIGATION OF CHARGES AND REMAND FOR TRIAL.

*Power of Commanding Officer.*

## RULES.

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*Framing Charges.*

18. Charge-sheet and charge.
19. Commencement of charge-sheet.
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*Preparation for defence by accused person.*

22. Opportunity for accused to prepare defence.
23. Warning of accused for trial.
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25. Suspension of rules on the ground of military exigencies or the necessities of discipline.

*Alternative Procedure.*

26. Alternative Procedure.

## SECTION 2.—GENERAL AND DISTRICT COURTS-MARTIAL.

*Convening the Court.*

27. Convening of general and district courts-martial.
28. Adjournment for insufficient number of officers.
29. Ineligibility and disqualification of officers for court-martial.
30. Composition of court-martial.

*Procedure at Trial.—Constitution of Court.*

31. Inquiry by court as to legal constitution.
32. Inquiry by court as to amenability of accused and validity of charge.

*Procedure at Trial.—Challenge and Swearing.*

33. Appearance of prosecutor and accused.
34. Proceedings for challenges of members of court.



**RULES.**

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- 47. Close of case for the prosecution and procedure for defence where accused does not call witnesses.
- 48. Defence where accused calls witnesses.
- 49. Summing-up by judge-advocate.

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- 50. Consideration of finding.
- 51. Form and record of finding.
- 52. Procedure on acquittal.
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- 54. Sentence.
- 55. Recommendation to mercy.
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- 57. Revision.
- 58. Promulgation.
- 59. Mitigation of sentence on partial confirmation.
- 60. Confirmation of finding on alternative charges.
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## INDIAN ARMY ACT RULES.

## CHAPTER I.

## PRELIMINARY.

1. These rules may be cited as the "Indian Army Act Rules."

Short title.

2. In these rules, unless there is anything repugnant in the subject or context,—

Definitions.

(A) "Proper military authority," when used in relation to any power, duty, act or matter, means such military authority as, in pursuance of the Regulations of the Army or the custom of the service, exercises or performs that power or duty or is concerned with that act or matter.

(B) "The Act" means the Indian Army Act, 1911.

3. Any report or application directed by these rules to be made to a superior authority or proper military authority, shall be made in writing through the proper channel, unless the authority, on account of military exigencies or otherwise, dispenses with the writing.

Forms in Appen-  
dices.

4. (A) The forms set forth in the appendices to these rules, with such variations as the circumstances of each case require, may be used for the respective purposes therein mentioned, and if used shall be sufficient, but a deviation from such forms will not, by reason only of such deviation, render any charge, warrant, order, proceedings or other document invalid.

(B) An omission of any such form will not, by reason only of such omission, render any act or thing invalid.

(C) The notes to, and instructions in, the forms will be considered as instructions which it is expedient to follow in all cases to which such notes and instructions apply but shall not have the force of rules.

Exercise of power  
vested in holder of  
military office.

5. Any power or jurisdiction given to, and any act or thing to be done by, to, or before any person holding any military office may be exercised by, or done by, to, or before any other person for the time being authorised in that behalf according to the custom of the service.

Cases unprovided  
for.

6. In any case not provided for by these rules such course will be adopted as appears best calculated to do justice.

## CHAPTER II.

### ENROLMENT AND ATTESTATION.

Enrolling officers.

7. (A) The following officers shall be "enrolling officers" for the purposes of section 8 of the Act:—

- |  |  |
|--|--|
| (i) All recruiting officers.   | } As regards all persons.  |
| (ii) All assistant recruiting officers.  |  |
| (iii) The officer commanding a station.  |  |
| (iv) The officer commanding a corps.   |  |
| (v) The officer commanding the dépôt of a corps.   | } As regards persons enrolled in that corps.                             |
| (vi) The officer commanding a battery.   |  |
| (vii) The officer commanding a company of artillery.   | } As regards persons enrolled in an artillery corps.                     |
| (viii) The officer commanding an artillery ammunition column.  |  |
| (ix) The officer commanding an artillery dépôt.  |  |
| (x) The officer commanding a reserve centre.   | } As regards persons enrolled in the reserve.                            |
| (xi) The officer commanding a transport corps or cadre.  |  |
| (xii) The officer in charge supplies or transport of a station.  | } As regards persons enrolled in the Supply and Transport Corps.         |
| (xiii) The officer commanding a combatant unit to which transport is permanently attached.                         |  |
| (xiv) The principal medical officer of a division or brigade.  | } As regards persons enrolled in the Army Hospital or Army Bearer Corps. |
| (xv) The senior medical officer of a station.  |  |
| (xvi) The staff officer, medical mobilisation stores, of a division.   | } As regards persons enrolled in the reserve of the Army Bearer Corps.   |
| (xvii) The officer (other than a departmental officer with honorary rank) in charge of any ordnance establishment. |  |

(xviii) The officer in charge of any division or branch of any other department. As regards persons enrolled in that department.

(xix) The adjutant of a railway volunteer corps. As regards persons enrolled in the reserve of a military railway company.

(xx) The officer in charge of a fort armament establishment. As regards persons enrolled in an artillery corps as fort armament lascars.

(xxi) The officer in charge of a coast-defence establishment. As regards persons enrolled in the Indian Coast Artillery.

(xxii) The officer commanding a British cavalry or infantry unit. As regards persons enrolled in the corps of followers, British cavalry or infantry.

(B) On a person being enrolled the enrolling officer shall forward his enrolment paper to the officer having the custody of the Long Roll of the corps or department for which he has been enrolled, or, if more than one Long Roll is maintained in such corps or department, to the officer having the custody of one of such Long Rolls, and that officer shall, on receiving such paper, cause his name to be entered in the Long Roll.

8. All combatants, and the following enrolled persons other than combatants, shall, when reported fit for duty, be attested as provided in section 12 of the Act :— Persons to be attested.

(i) Reservists of Military Railway Companies (Traffic and Locomotive Section).

(ii) Mule, Bullock and Camel Drivers serving in the standing transport of the Supply and Transport Corps, and persons of the same classes serving in units of that corps raised on mobilisation who may be selected for non-commissioned rank.

(iii) Transport Veterinary Dafadars.

(iv) Lascars of the Ordnance Department employed in Arsenals and Depôts.

(v) Men of the Army Bearer Corps.

Provided that a lascar of the Ordnance Department employed in an Arsenal or Depôt shall not be attested until he has completed a period of probation of six months.

9. (A) The oath or affirmation to be taken on attestation will be in one of the following forms or in such other form to the same purport as the attesting officer ascertains to be in accordance with the religion of the person to be attested, or otherwise binding on his conscience. Oath or affirmation to be taken on attestation.

#### *Form of oath.*

I \_\_\_\_\_ do swear that I will be faithful and bear true allegiance to His Majesty the King-Emperor, His heirs and successors, and that I will, as in duty bound, honestly and faithfully serve in His Majesty's Indian Forces and go wherever I may be ordered by land or sea, and that I will observe and obey all commands of any officer set over me even to the peril of my life. So help me God.

The second person may, when necessary, be substituted for the first in this form of oath, and the words "So help me God" omitted or varied.

#### *Form of affirmation.*

I \_\_\_\_\_ solemnly affirm in the presence of Almighty God that I will be faithful and bear true allegiance to His Majesty the King-Emperor, His heirs and successors, and that I will, as in duty bound, honestly and faithfully serve in His Majesty's Indian Forces and go wherever I may be ordered by land or sea, and that I will observe and obey all commands of any officer set over me even to the peril of my life.

(B) The oath or affirmation prescribed in this rule shall, whenever practicable, be administered by the commanding officer of the person to be attested (or in the presence of the said officer by a person empowered by him to administer it) in the manner described in section 12 of the Act. If it is not so administered, it may be administered by a magistrate or such officer as is hereinafter indicated; that is to say,—

A recruiting officer or assistant recruiting officer;

The officer commanding a station;

The adjutant of a railway volunteer corps (as regards reservists of military railway companies only).



## CHAPTER III.

## DISMISSAL AND DISCHARGE.

Discharge not to be delayed.

10. Every person enrolled under the Act shall, when entitled under the conditions of his enrolment to be discharged, be so discharged with all convenient speed.

Discharge certificates.

11. (A) Every native officer or warrant officer who is dismissed or discharged shall be furnished by his commanding officer with a certificate setting forth, in respect of such native officer or warrant officer, the same matters as are required to be set forth in a certificate furnished under section 17 of the Act to a person enrolled thereunder who is dismissed or discharged. A certificate furnished under the provisions of this rule or of section 17 of the Act, as the case may be, is hereinafter called a "discharge certificate."

(B) The dismissal of a person subject to the Act, whose dismissal otherwise than by sentence of a court-martial is duly authorized, or the discharge of a person so subject whose discharge is duly authorized, shall be carried out by the commanding officer of such person with all convenient speed, but subject to the provisions of Rule 12; and shall take effect from the date on which a discharge certificate is furnished to such person, or from such subsequent date as may be specified in that certificate.

(C) A discharge certificate may be furnished either by personal delivery thereof by or on behalf of the commanding officer to the person dismissed or discharged or by its transmission by post to such person. If so transmitted, such certificate shall, for the purposes of this rule, be deemed to have been furnished on the date on which, having been properly addressed and prepaid, it was posted by registered post.

Dismissal of convict.

12. The commanding officer of a person sentenced to transportation or to rigorous imprisonment for a term exceeding three months shall, in accordance with section 15 of the Act, authorize his dismissal as follows:—

- (A) In the case of a court-martial sentence he shall authorize the dismissal as soon as possible after the sentence is promulgated.
- (B) In the case of a sentence by a criminal court against which no appeal has been preferred, he shall authorize the dismissal as soon as possible after the expiry of the period within which the person under sentence could have preferred an appeal against his sentence. If such an appeal has been preferred, and has not resulted either in the acquittal of such person or in his sentence being reduced to three months' rigorous imprisonment or less, he shall authorize the dismissal as soon as possible after the disposal of such appeal.
- (C) If proceedings which may legally result in the reduction of the sentence of a criminal court (otherwise than on appeal) are pending in any other court, the commanding officer of the person under sentence may postpone his dismissal until the result of such proceedings is known, and shall then authorize the dismissal as soon as possible.

Provided that—

If a charge for an offence under the Act is pending against a person who is liable to dismissal under this rule, the commanding officer of such person may postpone his dismissal for such period, not exceeding three months, as will admit of his trial by court-martial on such charge, or of its being otherwise disposed of by the proper military authority, and shall, on the expiry of such period, authorize the dismissal as soon as possible, unless such person has been already dismissed by sentence of a court-martial which has tried him on the aforesaid charge.

Authorities empowered to authorize discharge.

13. Instructions as to the authorities empowered to authorize the discharge of persons subject to the Act, and the procedure to be observed in each case, are contained in the following table. In this table "Commanding Officer" means the officer commanding the corps or department to which the person to be discharged belongs. It also includes, as regards persons under their command, the officers specified in items (iii), (v) to (xiv), (xvii), (xviii), and (xx) to (xxii) of Rule 7 (A). Any power conferred by this rule on any authority may be exercised by any higher authority.

TABLE.

Class.	Cause of discharge.	Competent authority to authorize discharge.	Special instructions.
Native officers (other than native officers of the Indian Sub-ordinate Medical Department).	(i) At his own request, on transfer to the pension establishment.	Commanding officer	Discharge should be carried out within two months of application unless war is imminent or existing.
	(ii) On resignation of his commission.	Governor-General in Council.	.....
	(iii) Having been found medically unfit for further service.	Commanding officer	To be carried out only on the recommendation of an Invaliding Board.
	(iv) On transfer to the pension establishment, otherwise than at his own request, or under item (iii).	Governor-General in Council.	.....
	(v) With gratuity, otherwise than at his own request, or under item (iii).	Ditto.	.....
	(vi) His services being no longer required.	Ditto.	.....
Indian Subordinate Medical Department.	(vii) At his own request, on transfer to the pension establishment.	Director General of the Indian Medical Service.	.....
	(viii) On resignation of his commission or warrant.	Native officers—as in (i). Warrant officers— Director-General of the Indian Medical Service.	.....
	(ix) Having been found medically unfit for further service.	Director-General of the Indian Medical Service.	To be carried out only on the recommendation of an Invaliding Board.
	(x) On transfer to the pension establishment, otherwise than at his own request, or under item (ix).	Native officers—as in (iv). Warrant officers— Director-General of the Indian Medical Service.	.....
	(xi) His services being no longer required.	Native officers—as in (vi). Warrant officers— Brigade Commander	The Brigade Commander, or higher authority, will, save in exceptional circumstances, exercise this power only in consultation with the Director-General of the Indian Medical Service.
Persons enrolled under the Act who have been attested.	(xii) At his own request, on transfer to the pension establishment.	Commanding officer	To be carried out in accordance with the conditions of his enrolment and with section 18 of the Act and Rule 10.
	(xiii) At his own request, on fulfilling the conditions of his enrolment.	Ditto	To be carried out in accordance with the conditions of his enrolment and with section 18 of the Act and Rule 10.

Class.	Cause of discharge.	Competent authority to authorize discharge.	Special instructions.
Persons enrolled under the Act who have been attested.	(xiv) Having been found medically unfit for further service.	Commanding Officer	To be carried out only on the recommendation of an Invaliding Board.
	(xv) Having re-entered the service after being dismissed or discharged, without, at the time of such re-entry, stating the fact of his previous dismissal or discharge, or showing his certificate of dismissal or discharge.	Ditto	.....
	(xvi) Not being a good rider ...	Ditto	Only applicable to persons enrolled as combatants in a mounted corps and whose duties require them to be mounted. Liability to discharge under this item ceases on completion of three years' service from date of enrolment.
	(xvii) On transfer to the pension establishment, or with gratuity, otherwise than at his own request, or under item (xiv).	Brigade Commander	.....
	(xviii) His services being no longer required.	Ditto	.....
Persons enrolled under the Act but not attested.	(xix) All classes of discharge ...	Commanding officer	Recruits who are considered unlikely to become efficient soldiers will be dealt with under this item.

## CHAPTER IV.

## INVESTIGATION OF CHARGES AND TRIAL BY COURT-MARTIAL.

## SECTION I.—INVESTIGATION OF CHARGES AND REMAND FOR TRIAL.

*Power of Commanding Officer.*

Duty of commanding officer as to investigation of charge for offence.

14. Every commanding officer shall take care that a person under his command, when charged with an offence, is not detained in custody for more than forty-eight hours after the committal of such person into custody is reported to him, without the charge being investigated, unless investigation within that period seems to him impracticable with due regard to the public service. Every case of a person being detained in custody beyond a period of forty-eight hours, and the reason thereof, shall be reported by the commanding officer to the general or other officer to whom application would be made to convene a general or district court-martial for the trial of the person charged.

Provided that Sunday, Good Friday and Christmas day shall be excluded in reckoning the periods of forty-eight hours specified in this rule.

Disposal of the charge or adjournment for taking down the summary of evidence.

15. (A) Every charge against a person subject to the Act shall be heard in the presence of the accused. The accused shall have full liberty to cross-examine any witness against him, and to call any witnesses and make any statement in his defence.

(B) The commanding officer shall dismiss a charge brought before him if in his opinion the evidence does not show that some offence under the Act has been committed, and may do so if, in his discretion, he thinks the charge ought not to be proceeded with.

(C) At the conclusion of the hearing of a charge, if the commanding officer is of opinion that the charge ought to be proceeded with, he shall, without unnecessary delay, either—

- (1) dispose of the case summarily; or
- (2) refer the case to the proper superior military authority; or
- (3) adjourn the case for the purpose of having the evidence reduced to writing; or
- (4) if the accused is under the rank of warrant officer, order his trial by summary court-martial.

Provided that the commanding officer shall not order trial by summary court-martial without reference to the officer empowered to convene a district court-martial for the trial of the alleged offender unless either—

- (i) the offence is one which he can try by summary court-martial without reference to that officer; or
- (ii) he considers that there is grave reason for immediate action and such reference cannot be made without detriment to discipline.

(D) Where the case is adjourned for the purpose of having the evidence reduced to writing, at the adjourned hearing the evidence of the witnesses who were present and gave evidence before the commanding officer, whether against or for the accused, shall be taken down in writing in the presence and hearing of the accused before the commanding officer or such officer as he directs.

(E) The accused may put questions in cross-examination to any witness, and the questions with the answers shall be added in writing to the evidence taken down.

(F) The evidence of each witness when taken down, as provided in (D) and (E), shall be read over to him, and shall be signed by him, or, if he cannot write his name, shall be attested by his mark and witnessed. Any statement of the accused material to his defence shall be added in writing and read over to him.

(G) The evidence of the witnesses and the statement (if any) of the accused shall be recorded in the English language. If the witness or accused, as the case may be, does not understand English, the evidence or statement, as recorded, shall be interpreted to him in a language which he understands.

16. (A) The evidence and statement (if any) taken down in writing in pursuance of Rule 15 (in these rules referred to as the summary of evidence) shall be considered by the commanding officer, who thereupon shall either—

Remand of accused.

- (1) remand the accused for trial by court-martial; or
- (2) refer the case to the proper superior military authority; or
- (3) if he thinks it desirable, rehear the case and dispose of it summarily.

(B) If the accused is remanded for trial by court-martial, the commanding officer shall without unnecessary delay either assemble a summary court-martial (after referring to the officer empowered to convene a district court-martial when such reference is necessary) or apply to the proper military authority to convene a court-martial, as the case requires.

(C) The summary of evidence, or a true copy thereof, shall be laid before the court-martial before which the accused is tried on the assembly of the court.

17. When the commanding officer has once awarded punishment for an offence, he cannot afterwards increase the punishment for that offence.

Summary award of punishment by commanding officer.

#### *Framing Charges.*

18. (A) A charge-sheet shall contain the whole issue or issues to be tried by a court-martial at one time.

Charge-sheet and charge.

(B) A charge means an accusation contained in a charge-sheet, that a person amenable to military law has been guilty of an offence.

(C) A charge-sheet may contain one charge or several charges.

19. Every charge-sheet shall begin with the name and description of the person charged, and state, in the case of an officer, his rank, name, and corps or department (if any), and in the case of a warrant officer, non-commissioned officer,

Commencement of charge-sheet.

soldier or other enrolled person, his number, rank, name, and corps or department (if any). When the accused person does not belong to the regular forces the charge-sheet shall show by the description of him, or directly by an express averment, that he is amenable to Indian military law in respect of the offence charged.

**Contents of charge.**

20. (A) Each charge shall state one offence only, and in no case shall an offence be described in the alternative in the same charge.

(B) Each charge shall be divided into two parts—

- (1) The statement of the offence; and
- (2) the statement of the particulars of the act, neglect, or omission constituting the offence.

(C) The offence shall be stated, if not a civil offence, in the words of the Act, and if a civil offence, in such words as sufficiently describe that offence, but not necessarily in technical words.

(D) The particulars shall state such circumstances respecting the alleged offence as will enable the accused to know what act, neglect, or omission is intended to be proved against him as constituting the offence.

(E) The particulars in one charge may be framed wholly or partly by a reference to the particulars in another charge, and in that case so much of the latter particulars as is so referred to shall be deemed to form part of the first mentioned charge as well as of the other charge.

(F) Where it is intended to prove any facts in respect of which any deduction from pay and allowances can be awarded as a consequence of the offence charged the particulars shall state those facts, and the sum of the loss or damage it is intended to charge.

**Validity of charge-sheet.**

21. (A) A charge-sheet shall not be invalid by reason only of any mistake in the name or description of the person charged, if he does not object to the charge-sheet during the trial, and it is not shown that injustice has been done to the person charged.

(B) In the construction of a charge-sheet or charge there shall be presumed in favour of supporting the same every proposition which may reasonably be presumed to be impliedly included, though not expressed therein.

**Preparation for defence by accused person.**

**Opportunity for accused to prepare defence.**

22. An accused person for whose trial a court-martial has been ordered to assemble shall be afforded proper opportunity of preparing his defence, and shall be allowed free communication with his witnesses, and with any friend or legal adviser whom he may wish to consult.

**Warning of accused for trial.**

23. (A) The accused before he is arraigned shall be informed by an officer of every charge on which he is to be tried; and also that, on his giving the names of witnesses whom he desires to call in his defence, reasonable steps will be taken for procuring their attendance, and those steps shall be taken accordingly.

The interval between his being so informed of the charges against him and his arraignment must be such as to allow him to have his witnesses present, and to consider his defence.

(B) The officer at the time of so informing the accused shall give him a copy of the charge-sheet and a vernacular translation of the same, and shall, if necessary, read and explain to him the charges brought against him.

(C) If he desires it, a list of the names, rank and corps (if any) of the officers who are to form the court, and where officers in waiting are named, also of these officers, will, in courts-martial other than summary courts-martial, be given to the accused.

(D) If it appears to the court that the accused is liable to be prejudiced at his trial by any non-compliance with this rule, the court shall take steps and, if necessary, adjourn to avoid the accused being so prejudiced.

**Joint-trial of several accused persons.**

24. Any number of accused persons may be tried together for an offence charged to have been committed by them collectively, but in such case notice of the intention to try the accused persons together shall be given to each of the accused at the time of his being informed of the charge, and any accused person may claim, either by notice to the authority convening the court, or, when arraigned before the court, by notice to the court, to be tried separately, on the ground that the evidence of one or more of the other accused persons proposed to be tried together with him will be material to his defence; the convening authority or court, if satisfied that the evidence will be material, and if the nature of the charge admits of it, shall allow the claim, and such accused person shall be tried separately.

*Exception from Rules.*

25. Where it appears to the officer convening a court-martial, or to the senior officer on the spot, that military exigencies or the necessities of discipline, render it impossible or inexpedient to observe any of the Rules 15 (D), (E), (F), (G), 16, 22 and 23, he may, by order under his hand, make a declaration to that effect, specifying the nature of such exigencies or necessities, and thereupon the trial or other proceeding shall be as valid as if the rule mentioned in such declaration had not been contained herein; and the declaration may be made with respect to any or all of the rules above in this rule mentioned in the case of the same court-martial.

*Suspension of rules on the ground of military exigencies or the necessities of discipline.*

Provided that the accused shall have full opportunity of making his defence, and shall be afforded every facility for preparing it which is practicable, having due regard to the said exigencies or necessities.

*Alternative Procedure.*

26. When an accused person is remanded for trial by general or district court-martial the procedure before and during trial shall be that ordered in section 2 of the Chapter, and when an accused person is remanded for trial by summary court-martial that ordered in section 3 of this Chapter, section 4 is equally applicable to all trials by general, district and summary courts-martial.

*Alternative Procedure.*

## SECTION 2.—GENERAL AND DISTRICT COURTS-MARTIAL.

*Convening the Court.*

27. (A) An officer before convening a general or district court-martial shall first satisfy himself that the charges to be tried by the court are for offences within the meaning of the Act, and that the evidence justifies a trial on those charges, and if not so satisfied, shall order the release of the accused, or refer the case to superior authority.

*Convening of general and district courts-martial.*

(B) He shall also satisfy himself that the case is a proper one to be tried by the description of court-martial he proposes to convene.

(C) The officer convening a court-martial shall appoint or detail the officers to form the court, and may also appoint or detail such waiting officers as he thinks expedient. He may also, where he considers the services of an interpreter to be necessary, appoint or detail an interpreter to the court.

(D) The officer convening a court-martial shall send to the senior member of a court composed of British officers and to the judge-advocate or superintending officer of any other court, the original charge-sheet on which the accused is to be tried, the summary of evidence, and the order for the assembly of the court-martial.

28. (A) If, before the accused is arraigned, the full number of officers detailed are not available to serve, by reason of non-eligibility, disqualification, challenge or otherwise, the court shall ordinarily adjourn for the purpose of fresh members being appointed; but if the court are of opinion that in the interests of justice, and for the good of the service, it is inexpedient so to adjourn, they may, if not reduced in number below the legal minimum, proceed, recording their reasons for so doing.

*Adjournment for insufficient number of officers.*

(B) If the court adjourns for the purpose of the appointment of fresh members, whether under these rules or otherwise, the convening officer may, if he thinks fit, convene another court.

29. (A) An officer is not eligible for serving on a court-martial if he is not subject to military law.

*Ineligibility and disqualification of officers for court-martial.*

(B) An officer is disqualified for serving on a general or district court-martial if he—

- (i) is the officer who convened the court; or
- (ii) is the prosecutor or a witness for the prosecution; or
- (iii) investigated the charges before trial, or took down the summary of evidence or was a member of a court of inquiry respecting the matters on which the charges against the accused are founded, or was the squadron or double-company commander who made preliminary inquiry into the case; or
- (iv) is the commanding officer of the accused, or of the corps to which the accused belongs; or
- (v) has a personal interest in the case.

30. A general court-martial shall be composed, as far as possible, of officers of different corps or departments, and in no case exclusively of officers of the corps or department to which the accused belongs.

*Composition of court-martial.*

*Procedure at Trial—Constitution of Court.*

Inquiry by court as to legal constitution.

31. (A) On the court assembling, the order convening the court shall be read, and also the names, rank, and corps of the officers appointed to serve on the court; and it shall be the first duty of the court to satisfy themselves that the court is legally constituted (that is to say) —

- (i) that, so far as the court can ascertain, the court has been convened in accordance with the Act, and these rules;
- (ii) that the court consists of a number of officers not less than the legal minimum, and, save as mentioned in Rule 28, not less than the number detailed;
- (iii) that each of the officers so assembled is eligible and not disqualified for serving on that court-martial;
- (iv) that a superintending officer has, when necessary, been appointed.

(B) The court shall, further, if it is a general or district court-martial to which a judge-advocate has been appointed, ascertain that the judge-advocate is duly appointed, and is not disqualified for acting at that court-martial.

(C) The court, if not satisfied on the above matters, shall report their opinion to the convening authority, and may adjourn for that purpose.

Inquiry by court as to amenability of accused and validity of charge.

32. (A) The court, when satisfied on the above matters, shall satisfy themselves in respect of each charge about to be brought before them—

- (i) that it appears to be laid against a person amenable to military law, and to the jurisdiction of the court; and
- (ii) that each charge discloses an offence under the Act, and is framed in accordance with these rules, and is so explicit as to enable the accused readily to understand what he has to answer.

(B) The court, if not satisfied on the above matters, shall report their opinion to the convening authority and may adjourn for that purpose.

*Procedure at Trial—Challenge and Swearing.*

Appearance of prosecutor and accused.

33 When the court have satisfied themselves as to the above facts, the prosecutor, who must be a person subject to military law, shall take his place, and the court shall cause the accused to be brought before the court.

Proceedings for challenges of members of court.

34. The names of the president and members of the court shall then be read over to the accused and he shall be asked, as required by section 80 of the Act, whether he objects to be tried by any officer sitting on the court. Any such objections shall be disposed of in accordance with the provisions of section 80 of the Act; provided that—

- (i) The accused shall state the names of all the officers to whom he objects before any objection is disposed of.
- (ii) The accused may call any person to give evidence in support of his objection.
- (iii) If more than one officer is objected to, the objection to each officer shall be disposed of separately, and the objection to the lowest in rank shall be disposed of first; and on an objection to an officer, all the other officers present shall vote on the disposal of such objection, notwithstanding that objections have been made to any of those officers.
- (iv) When an objection to an officer is allowed that officer shall forthwith retire, and take no further part in the proceedings.
- (v) When an officer objected to retires, and there are any officers in waiting, the vacancy shall be forthwith filled by one of the officers in waiting being directed to serve in lieu of the retiring officer. If there is no officer in waiting available, the court shall proceed as directed by Rule 28.
- (vi) The eligibility, absence of disqualification and freedom from objection of an officer filling a vacancy shall be ascertained by the court, as in the case of other officers appointed to serve on the court.

Swearing or affirming of members.

35. As soon as the court is constituted with the proper number of officers who are not objected to, or the objections to whom have been overruled, an oath or affirmation shall be administered to every member in one of the following forms or in such other form to the same purport as the court ascertains to be according to his religion or otherwise binding on his conscience.

*Form of oath.*

"You do swear that you will duly administer justice, according to the Indian Army Act, without partiality, favour or affection; and if any doubt shall arise, then, according

to your conscience, the best of your understanding, and the custom of war in the like cases; and that you will not divulge the sentence of this court-martial until it shall be published by authority; and, further, that you will not disclose or discover the vote or opinion of any particular member of this court-martial, unless required to give evidence thereof by a court of justice or a court-martial, in due course of law. So help you God."

The first person may, when necessary, be substituted for the second in this form of oath and the words "So help you God" omitted or varied.

*Form of affirmation.*

"I solemnly affirm, in the presence of Almighty God, that I will duly administer justice, according to the Indian Army Act, without partiality, favour or affection; and if any doubt shall arise, then, according to my conscience, the best of my understanding, and the custom of war in the like case; and that I will not divulge the sentence of this court-martial until it shall be published by authority; and, further, that I will not disclose or discover the vote or opinion of any particular member of this court-martial, unless required to give evidence thereof by a court of justice or a court-martial, in due course of law."

36. After the members of the court are all sworn or have made affirmation, an oath or affirmation shall be administered to the following persons or such of them as are present at the court-martial, in such of the following forms as shall be appropriate, or in such other form to the same purport as the court ascertains to be according to the religion or otherwise binding on the conscience of the person to be sworn or affirmed:—

Swearing or affirming of judge-advocate and other officers.

(A) *Judge-advocate or superintending officer.*

*Form of oath.*

"You do swear that you will not, upon any account whatsoever, disclose or discover the vote or opinion of any particular members of this court-martial unless required to give evidence thereof by a court of justice or a court-martial, in due course of law; and that you will not, unless it be necessary for the due discharge of your official duties, divulge the sentence of this court-martial until it shall be published by authority. So help you God."

The first person may, when necessary, be substituted for the second in this form of oath, and in all other forms prescribed in this rule, and the words "So help you God" omitted or varied.

*Form of affirmation.*

"I solemnly affirm in the presence of Almighty God that I will not, upon any account whatsoever, disclose or discover the vote or opinion of any particular member of this court-martial unless required to give evidence thereof by a court of justice or a court-martial, in due course of law; and that I will not, unless it be necessary for the due discharge of my official duties, divulge the sentence of this court-martial until it shall be published by authority."

(B) *Officer attending for the purpose of instruction.*

*Form of oath.*

"You do swear that you will not divulge the sentence of this court-martial until it shall be published by authority; and, further, that you will not disclose or discover the vote or opinion of any particular member of this court-martial unless required to give evidence thereof by a court of justice or a court-martial, in due course of law. So help you God."

*Form of affirmation.*

"I solemnly affirm in the presence of Almighty God that I will not divulge the sentence of this court-martial until it shall be published by authority; and, further, that I will not disclose or discover the vote or opinion of any particular member of this court-martial, unless required to give evidence thereof by a court of justice or a court-martial, in due course of law."

(C) *Shorthand writer.*

*Form of oath.*

"You do swear that you will truly take down to the best of your power the evidence to be given before this court-martial, and such other matters as you may be required, and



will, when required, deliver to the court a true transcript of the same. So help you God."

*Form of affirmation.*

"I solemnly affirm in the presence of Almighty God that I will truly take down to the best of my power the evidence to be given before this court-martial, and such other matters as I may be required, and will, when required, deliver to the court a true transcript of the same."

(D) *Interpreter.*

*Form of oath.*

"You do swear that you will faithfully interpret and translate, as you shall be required to do, touching the matter before this court-martial; and that you will not divulge the sentence until it shall be published by authority; and further, that you will not disclose or discover the vote or opinion of any particular member of this court-martial unless required to give evidence thereof by a court of justice or a court-martial, in due course of law. So help you God."

*Form of affirmation.*

"I solemnly affirm in the presence of Almighty God that I will faithfully interpret and translate, as I shall be required to do, touching the matter before this court-martial; and that I will not divulge the sentence until it shall be published by authority; and further, that I will not disclose or discover the vote or opinion of any particular member of this court-martial, unless required to give evidence thereof by a court of justice or a court-martial, in due course of law."

Persons to administer oaths and affirmations.

37. All oaths and affirmations shall be administered by a member of the court, the judge-advocate, the superintending officer or some other person empowered by the court to administer such oath or affirmation.

*Prosecution, Defence and Summing-up.*

Arraignment of accused.

38. (A) After the members of the court and other persons are sworn or affirmed as above mentioned, the accused shall be arraigned on the charges against him.

(B) The charges upon which the accused is arraigned shall be read and, if necessary, translated to him, and he shall be required to plead separately to each charge.

Objection by accused to charge.

39. The accused, when required to plead to any charge, may object to the charge on the ground that it does not disclose an offence under the Act, or is not in accordance with these rules.

Amendment of charge.

40. (A) At any time during the trial, if it appears to the court that there is any mistake in the name or description of the accused in the charge-sheet, the court may amend the charge-sheet so as to correct that mistake.

(B) If on the trial of any charge it appears to the court at any time before they have begun to examine the witnesses, that in the interests of justice any addition to, omission from, or alteration in, the charge is required, they may report their opinion to the convening authority, and may adjourn, and the convening authority may either direct a new trial to be commenced, or amend the charge, and order the trial to proceed with such amended charge after due notice to the accused.

Special plea to the jurisdiction.

41. (A) The accused, before pleading to a charge, may offer a special plea to the general jurisdiction of the court; and if he does so, and the court consider that anything stated in such plea shews that the court have not jurisdiction, they shall receive any evidence offered in support, together with any evidence offered by the prosecutor in disproof or qualification thereof, and any address by the accused and reply by the prosecutor in reference thereto.

(B) If the court overrule the special plea, they shall proceed with the trial.

(C) If the court allow the special plea, they shall record their decision and the reasons for it, and report it to the convening authority and adjourn; such decision shall not require any confirmation, and the convening authority shall either forthwith convene another court for the trial of the accused, or order the accused to be released.

(D) If the court are in doubt as to the validity of the plea, they may refer the matter to the convening authority, and may adjourn for that purpose, or may record a special decision with respect to such plea, and proceed with the trial.

42. (A) If no special plea to the general jurisdiction of the court is offered, or if such plea being offered, is overruled, the accused person's plea—"Guilty" or "Not guilty" (or if he refuses to plead, or does not plead intelligibly either one or the other, a plea of "Not guilty")—shall be recorded on each charge. General plea  
"Guilty" or "Not  
guilty."

(B) If an accused person pleads "Guilty," that plea shall be recorded as the finding of the court; but before it is recorded, the officer conducting the proceedings, on behalf of the court, shall ascertain that the accused understands the nature of the charge to which he has pleaded guilty, and shall inform him of the general effect of that plea, and in particular of the meaning of the charge to which he has pleaded guilty, and of the difference in procedure which will be made by the plea of guilty, and shall advise him to withdraw that plea if it appears from the summary of evidence that the accused ought to plead not guilty.

43. (A) The accused, at the time of his general plea of "Guilty" or "Not guilty" to a charge for an offence, may offer a plea in bar of trial on the ground that— Plea in bar.

(1) he has been previously convicted or acquitted of the offence by a competent criminal court or by a court-martial or has been dealt with summarily under section 20 or 22 of the Act for the offence; or

(2) the offence has been pardoned or condoned by competent military authority; or

(3) the time which has elapsed between the commission of the offence and the beginning of the trial is more than three years, and the limit of time for trial is not extended under section 67 of the Act.

(B) If he offers such plea in bar, the court shall record it as well as his general plea, and if they consider that any fact or facts stated by him are sufficient to support the plea in bar they shall receive any evidence offered, and hear any address made by the accused and the prosecutor in reference to the plea.

(C) If the court find that the plea in bar is proved they shall record their finding, and notify it to the confirming authority, and shall either adjourn, or if there is any other charge against the accused, whether in the same or in a different charge-sheet, which is not affected by the plea in bar, may proceed to the trial of the accused on that charge.

(D) If the finding that a plea in bar is proved is not confirmed, the court may be re-assembled by the confirming authority, and proceed as if the plea had been found not proved.

(E) If the court find that the plea in bar is not proved, they shall proceed with the trial, and the said finding shall be subject to confirmation like any other finding of the court.

44. (A) Upon the record of the plea of "Guilty," if there are other charges in the same charge-sheet to which the plea is "Not guilty," the trial shall first proceed with respect to those other charges, and, after the finding on those charges, shall proceed with the charges on which a plea of "Guilty" has been entered; but if they are alternative charges, the court may either proceed with respect to all the charges as if the accused had not pleaded "Guilty" to any charge, or may, instead of trying him, record a finding of "Not guilty," on each alternative charge to which the prisoner has not pleaded "Guilty." Procedure after plea  
of "Guilty."

(B) After the record of the plea of "Guilty" on a charge (if the trial does not proceed on any other charges) the court shall receive any statement which the accused desires to make in reference to the charge, and shall read the summary of evidence, and annex it to the proceedings, or if there is no such summary, shall take and record sufficient evidence to enable them to determine the sentence, and the confirming officer to know all the circumstances connected with the offence. This evidence will be taken in like manner as is directed by these Rules in the case of a plea of "Not guilty."

(C) After evidence has been so taken, or the summary of evidence has been read, as the case may be, the accused may make a statement in mitigation of punishment, and may call witnesses as to his character.

(D) If from the statement of the accused or from the summary of evidence, or otherwise, it appears to the court that the accused did not understand the effect of his plea of "Guilty," the court shall alter the record and enter a plea of "Not guilty," and proceed with the trial accordingly.

(E) If a plea of "Guilty" is recorded, and the trial proceeds with respect to other charges in the same charge sheet, the proceedings under (B) and (C) shall take place when the finding on the other charges in the same charge-sheet are recorded.

(F) When the accused at any court-martial states anything in mitigation of punishment which, in the opinion of the court, requires to be proved, and would, if proved, affect the amount of punishment, the court may permit the accused to call witnesses to prove the same.

- Withdrawal of plea of "Not guilty."** 45. The accused may if he thinks fit, at any time during the trial, withdraw his plea of "Not guilty," and plead "Guilty," and in such case the court will at once, subject to a compliance with Rule 42 (B), record a plea and finding of "Guilty," and shall, so far as is necessary, proceed in manner directed by Rule 44.
- Plea "Not guilty" and case for the prosecution.** 46. After the plea of "Not guilty" to any charge is recorded, the trial shall proceed as follows :—
- (A) The prosecutor may, if he desires, make an opening address.
  - (B) The evidence for the prosecution shall then be taken.
  - (C) If it should be necessary for the prosecutor to give evidence for the prosecution on the facts of the case, he shall give it after the delivery of his address, and he must be sworn and give his evidence in detail.
  - (D) He may be cross-examined by the accused and afterwards may make any statement which might be made by a witness on re-examination.
- Close of case for the prosecution and procedure for defence where accused does not call witnesses.** 47. (1) At the close of the evidence for the prosecution, the accused shall be asked if he intends to call any witnesses to the facts of the case.
- (2) If the accused does not state that he intends to call witnesses to the facts of the case the procedure shall be as follows :—
  - (A) The prosecutor may address the court a second time for the purpose of summing-up the evidence for the prosecution.
  - (B) The accused shall be asked if he has anything to say in his defence and may address the court in his defence.
  - (C) The accused may call witnesses as to his character.
  - (D) The prosecutor may produce, in reply to the witnesses as to character, proof of former convictions, and entries in the defaulter's book, but he may not again address the court.
- Defence where accused calls witnesses.** 48. If the accused states that he intends to call witnesses to the facts of the case, the procedure shall be as follows :—
- (A) The accused shall be asked if he has anything to say in his defence, and may address the court in his defence.
  - (B) The accused may call his witnesses, including witnesses as to character.
  - (C) The prosecutor may, in special cases, with the permission of the court, call witnesses in reply.
  - (D) After the evidence of all the witnesses for the defence has been taken, the accused may again address the court, and the time at which such second address is allowed is in these rules referred to as the time for the second address of the accused.
  - (E) The prosecutor shall be entitled to address the court in reply.
- Summing-up by judge-advocate.** 49. (A) The judge-advocate, if any, shall, unless both he and the court think a summing-up unnecessary, sum-up in open court the whole case.
- (B) After the judge-advocate has spoken, no other address shall be allowed.
- Finding and Sentence.*
- Consideration of finding.** 50. (A) The court shall deliberate on their finding in closed court.
- (B) The opinion of each member of the court shall be taken separately on each charge.
- Form and record of finding.** 51. (A) The finding on every charge shall be recorded, and, except as mentioned in these rules, shall be recorded simply as a finding of "Guilty," or of "Not guilty," or of "Not guilty and honourably acquit him of the same."
- (B) Where the court are of opinion as regards any charge that the facts which they find to be proved in evidence differ materially from the facts alleged in the statement of particulars in the charge, but are nevertheless sufficient to prove the offence stated in the charge, and that the difference is not so material as to have prejudiced the accused in his defence, they may, instead of a finding of "Not guilty," record a special finding.
  - (C) The special finding may find the accused guilty on a charge, subject to the statement of exceptions or variations specified therein.
  - (D) Where the court are of opinion as regards any charge that the facts proved do not disclose an offence under the Act, the court shall acquit the accused of that charge.
  - (E) If the court doubt as regards any charge whether the facts proved show the accused to be guilty or not of an offence under the Act, they may, before recording a finding on that charge, refer to the confirming authority for an opinion; and, if necessary, adjourn for that purpose.

(F) Where there are alternative charges, and the facts proved appear to the court not to constitute the offence mentioned in any of those alternative charges, the court shall record a finding of "Not guilty" on that charge; but if the court think that the facts so proved constitute one of the offences stated in two or more of the alternative charges, but doubt which of those offences the facts do at law constitute, then they may, either before recording a finding on those charges refer to the confirming authority for an opinion, and, if necessary, adjourn for the purpose, or, they may record a special finding, stating the facts which they find to be proved, and stating that they doubt whether those facts constitute in law the offence in such one or another of the alternative charges as are specified, in the finding.

52. If the finding on all the charges is "Not guilty" the president shall date and sign the finding and such signature shall authenticate the whole of the proceedings, and the proceedings upon being signed by the judge-advocate or superintending officer, if any, shall be at once transmitted for confirmation.

53. (A) If the finding on any charge is "Guilty," then, for the guidance of the court in determining their sentence, and of the confirming authority in considering the sentence, the court, before deliberating on their sentence, may take evidence of and record the general character, age, service, rank, and any recognised acts of gallantry or distinguished conduct of the accused, any previous convictions of the accused either by a court-martial or a criminal court, any previous punishments awarded to him by an officer exercising authority under section 20 of the Act, the length of time he has been in arrest or in confinement on any previous sentence, and any military decoration, or military reward, of which he may be in possession or to which he is entitled, and which the court can sentence him to forfeit.

(B) Evidence on the above matters may be given by a witness verifying a statement which contains a summary of the entries in the regimental or departmental books respecting the accused and identifying the accused as the person referred to in that summary.

(C) The accused may cross-examine any such witness, and may call witnesses to rebut such evidence; and if the accused so requests, the regimental or departmental books, or a duly certified copy of the material entries therein, shall be produced; and if the accused alleges that the summary is in any respect not in accordance with the regimental or departmental books, or such certified copy, as the case may be, the court shall compare the summary with those books or copy, and if they find it is not in accordance therewith, shall cause the summary to be corrected accordingly.

(D) When all the evidence on the above matters has been given the accused may address the court thereon.

54. The court shall award one sentence in respect of all the offences of which the accused is found guilty, and such sentence shall be deemed to be awarded in respect of the offence in each charge in respect of which it can be legally given, and not to be awarded in respect of any offence in a charge in respect of which it cannot be legally given.

55. (A) If the court make a recommendation to mercy, they shall give their reasons for their recommendation.

(B) The number of opinions by which a recommendation to mercy mentioned in this rule, or any question relative thereto, is adopted or rejected, may be entered in the proceedings.

56. Upon the court awarding the sentence, the president shall date and sign the sentence and such signature shall authenticate the whole of the proceedings, and the proceedings upon being signed by the judge-advocate or superintending officer, if any, shall be at once transmitted for confirmation.

#### Confirmation and revision.

57. (A) Where the finding or sentence is sent back for revision under section 100 of the Act the court shall re-assemble in closed court, but if the court is directed to take fresh evidence on revision, such evidence must be taken in open court and in the presence of the accused.

(B) Where the finding is sent back for revision and the court do not adhere to their former finding, they shall revoke the finding and sentence, and record a new finding, and if such new finding involves a sentence, pass sentence afresh.

(C) Where the sentence alone is sent back for revision, the court shall not revise the finding.

(D) After revision, the president shall date and sign the decision of the court, and the proceedings, upon being signed by the judge-advocate or superintending officer, if any, shall be at once transmitted for confirmation.

58. The charge, finding, sentence, and confirmation of a court-martial shall be promulgated in such manner as the confirming authority may direct; and if no direction is given, according to the custom of the service.

Mitigation of sentence on partial confirmation.

59. (A) Where a sentence has been awarded by a court-martial in respect of offences in several charges, and the confirming authority confirms the finding on some but not on all of such charges, that authority shall take into consideration the fact of such non-confirmation, and shall, if it seems just, mitigate, remit, or commute the punishment awarded according as seems just, having regard to the offences in the charges the findings on which are confirmed.

(B) Where a sentence has been awarded by a court-martial in respect of offences in several charges and has been confirmed, and any one of such charges or the finding thereon is found to be invalid, the authority having power to mitigate, remit, or commute the punishment awarded by the sentence shall take into consideration the fact of such invalidity, and if it seems just, mitigate, remit, or commute the punishment awarded according as seems just, having regard to the offences in the charges which with the findings thereon are not invalid, and the punishment as so modified shall be as valid as if it had been originally awarded only in respect of those offences.

Confirmation of finding on alternative charges.

60. (A) Where a special finding has been recorded in relation to alternative charges under Rule 51 (F) and the confirming authority is of opinion that the facts found by the special finding constitute in law the offence charged by any of the alternative charges, that authority may confirm the finding, and in that case shall declare that the finding amounts to a finding of guilty on that charge; but if it is afterwards declared by any authority having power to remit or commute the punishment awarded that the said facts constitute in law the offence charged in one of the other alternative charges, then the confirming authority, or such other authority as aforesaid, may declare that the finding amounts to a finding of guilty on that alternative charge; and the finding shall be a valid finding of guilty on the charge specified in that behalf in the declaration made on confirmation, or, in case of a subsequent declaration, in that subsequent declaration.

(B) The sentence awarded in the case of any such special finding may likewise be confirmed, subject to this proviso, that if the offence in one of the alternative charges involves a higher punishment, or is otherwise graver, than the offence in the charge of which the accused is found to be guilty under the terms of any declaration mentioned in (A), the authority making the declaration, or some other authority having power to mitigate, remit, or commute the punishment awarded, shall mitigate, remit, or commute the punishment according as seems just, having regard to the last-mentioned offence; and the punishment as so modified shall be as valid as if it had been originally awarded in respect of the last-mentioned offence.

Confirmation notwithstanding informality in, or excess of, punishment.

61. (A) If the sentence of a court-martial is informally expressed, the confirming authority may, in confirming the sentence, vary the form so that it shall be properly expressed; and if the punishment awarded by the sentence is in excess of the punishment authorised by law, the confirming authority may vary the sentence so that the punishment shall not be in excess of the punishment authorised by law; and the confirming authority may confirm the finding and the sentence, as so varied, of the court-martial.

Member or prosecutor not to confirm proceedings.

62. A member of a court-martial, or an officer who has acted as prosecutor at a court-martial, shall not confirm the finding or sentence of that court-martial, and where such member or prosecutor becomes confirming officer, he shall refer the finding and sentence of the court-martial to a superior authority competent to confirm the findings and sentences of the like description of courts-martial.

#### *Proceedings of General and District Courts-Martial.*

Seating of members.

63. The members of a court-martial shall take their seats according to their army rank.

Conduct of proceedings.

64. (A) In the case of a court-martial composed of British officers, the president shall conduct the proceedings.

(B) In the case of a court-martial composed of native officers, the judge-advocate, if there is one, shall conduct the proceedings. If there is no judge-advocate, the superintending officer shall conduct them.

Responsibility of officer conducting the proceedings.

65. (A) The officer conducting the proceedings is responsible for the trial being conducted in proper order, and in accordance with the Act, and will take care that everything is conducted in a manner befitting a court of justice.

(B) It is the duty of the officer conducting the proceedings to see that justice is administered, that the accused has a fair trial, and that he does not suffer any disadvantage in consequence of his position as a person under trial, or of his ignorance, or of his incapacity to examine or cross-examine witnesses, or otherwise.

Power of court over address of prosecutor and accused.

66. (A) It is the duty of the prosecutor to assist the court in the administration of justice, to behave impartially, to bring the whole of the transaction before the court, and not to take any unfair advantage of, or suppress any evidence in favour of, the accused.

(B) The court may stop the prosecutor in referring to any matter not relevant to the charge then before the court, or any matter which the court is not investigating, and it is the duty of the court to restrain any undue violence of language or want of fairness or moderation on the part of the prosecutor.

(C) The court shall allow great latitude to the accused in making his defence; he must abstain from any remarks contemptuous or disrespectful towards the court, and from coarse and insulting language towards others, but he may for the purposes of his defence impeach the evidence and the motives of the witnesses and prosecutor, and charge other persons with blame and even criminality, subject, if he does so, to any liability to further proceedings to which he would otherwise be subject. The court may caution the accused as to the irrelevance of his defence, but shall not, unless in special cases, stop his defence solely on ground of such irrelevance.

67. Where two or more accused persons are tried together and any evidence is tendered by any one or more of them, the evidence and addresses on the part of all the accused persons shall be taken before the prosecutor replies, and the prosecutor shall make one address only in reply as regards all the accused persons. Procedure on trial of accused persons together.

68. (A) When the convening officer directs any charges against an accused person to be inserted in different charge-sheets, the accused shall be arraigned and until after the finding tried, upon each charge-sheet separately, and accordingly the procedure in Rules 38 to 51, both inclusive, shall, until after the finding, be followed in respect of each charge-sheet, as if it contained the whole of the charges against the accused. Separate charge-sheets.

(B) The trials upon the several charge-sheets shall be in such order as the convening officer directs.

(C) When the court have tried the accused upon all the charge-sheets they shall, in the case of the finding being "Not guilty" on all the charges, proceed as directed by Rule 52, and, in case of the finding on any one or more of the charges being "Guilty," proceed as directed by Rules 44 and 53 to 56, both inclusive, in like manner in each case as if all the charges in the different charge-sheets had been contained in one charge-sheet, and the sentence passed shall be of the same effect as if all the charges had been contained in one charge-sheet.

(D) If the convening officer directs that, in the event of the conviction of an accused person upon a charge in any charge-sheet, he need not be tried upon the subsequent charge-sheets, the court in such event may, without trying the accused upon any of the subsequent charge-sheets, proceed as before directed by (C).

(E) Where a charge-sheet contains more than one charge, the accused may, before pleading, claim to be tried separately in respect of any charge or charges in that charge-sheet, on the ground that he will be embarrassed in his defence if he is not so tried separately; and in such case the court, unless they think his claim unreasonable, shall arraign and try the accused in like manner as if the convening officer had inserted the said charge or charges in different charge-sheets.

(F) If the accused pleads "Guilty" to a charge in a charge-sheet, and the trial does not proceed [as mentioned in Rule 44 (A)] with respect to the other charges in that charge-sheet, the court shall, subject to the directions of the convening officer, proceed to try the accused on the charges in the next charge-sheet before they proceed as directed by Rule 44 (B) and (C).

69. (A) When a court-martial sits in closed court on any deliberation amongst the members or otherwise, no person shall be present except the members of the court, the judge-advocate, or superintending officer, any officers under instruction, and, if an interpreter has been appointed and the court consider his presence necessary, the interpreter; and the court may either retire, or may cause the place where they sit to be cleared of all other persons not entitled to be present. Sitting in closed court.

(B) Except as above mentioned, all the proceedings, including the view of any place, shall be in open court and in the presence of the accused.

70. (A) When a court is once assembled and the accused has been arraigned, the court shall continue the trial from day to day and sit for a reasonable period on every day unless it appears to the court that an adjournment is necessary for the ends of justice, or that such continuance is impracticable. Continuity of trial and adjournment of court.

(B) A court may adjourn from time to time, and from place to place, and may, when necessary, view any place.

(C) A court-martial, in the absence either of a judge-advocate or superintending officer (if such has been appointed for that court-martial), shall not proceed, and, if necessary, shall adjourn.

(D) The senior officer on the spot may also, for military exigencies, adjourn or prolong the adjournment of the court.

(E) If the time to which an adjournment is made is not specified, the adjournment shall be until further orders from the proper military authority; and, if the place to which an adjournment is made is not specified, the adjournment shall be to the same place or to such place as may be specified in further orders from the proper military authority.

Proceedings on death or illness of accused.

71. In case of the death of the accused, or of such illness of the accused as renders it impossible to continue the trial, the court shall ascertain the fact of the death or illness by evidence, and record the same, and adjourn, and transmit the proceedings to the convening authority.

Death, retirement or absence of president.

72. (A) In the case of the death, retirement on challenge or unavoidable absence of the president, the next senior officer shall take the place of the president and the trial shall proceed if the court is still composed of not less than the smallest number of officers of which it is required by law to consist.

(B) A member of a court who has been absent while any part of the evidence on the trial of an accused person is taken, shall take no further part in the trial by that court of that person, but the court will not be affected unless it is reduced below the legal minimum.

(C) An officer shall not be added to a court-martial after the accused has been arraigned.

Taking of opinions of members of court.

73. (A) Every member of a court must give his opinion on every question which the court has to decide, and must give his opinion as to the sentence, notwithstanding that he has given his opinion in favour of acquittal.

(B) The opinions of the members of the court shall be taken in succession, beginning with the junior in rank.

Procedure on incidental question.

74. If any question should arise incidentally during the trial, the person, whether prosecutor or accused, requesting the opinion of the court, is to speak first: the other person is then to answer, and the first person is to be allowed to reply.

Swearing of court to try several accused persons.

75. (A) A court may be sworn or affirmed at the time to try any number of accused persons then present before it, whether those persons are to be tried together or separately, and each accused person shall have power to object to the members of the court, and shall be asked separately whether he objects to any member.

(B) In the case of several accused persons to be tried separately, the court, upon one of those persons objecting to a member, may, according as they think fit, proceed to determine that objection or postpone the case of that person and swear or affirm the members of the court for the trial of the others alone.

(C) In the case of several accused persons to be tried separately, the court, when sworn or affirmed, shall proceed with one case, postponing the other cases and taking them afterwards in succession.

Swearing of interpreter and shorthand writer.

76. (A) At any time during the trial an impartial person may, if the court think it necessary, and shall, if either the prosecutor or the accused request it on any reasonable ground, be sworn or affirmed to act as interpreter.

(B) An impartial person may at any time of the trial, if the court think it desirable, be sworn or affirmed to act as a shorthand writer.

(C) Before a person is sworn or affirmed as interpreter or shorthand writer, the accused shall be informed of the person who is proposed to be sworn or affirmed and may object to the person as not being impartial; and the court, if they think that the objection is reasonable, shall not swear or affirm that person as interpreter or shorthand writer.

Evidence, when to be translated.

77. When any evidence is given in a language which any of the officers composing the court, the judge-advocate, the superintending officer, the prosecutor or the accused does not understand, that evidence shall be interpreted to such officer or person in a language which he does understand. If an interpreter in such language has been appointed by the convening officer, and duly sworn or affirmed, the evidence shall be interpreted by him. If no such interpreter has been appointed and sworn or affirmed, an impartial person shall be sworn or affirmed by the court as required by Rule 76. When documents are put in for the purpose of formal proof, it shall be in the discretion of the court to cause as much to be interpreted as appears necessary.

Record in proceedings of transactions of court martial.

78. (A) At a court-martial the judge-advocate, or, if there is none, the president or superintending officer, shall record, or cause to be recorded, in the English language, all transactions of that court, and shall be responsible for the accuracy of the record (in these rules referred to as the proceedings); and if the judge-advocate is called as a witness by the accused, the president (if the court is composed of British officers) shall be responsible for the accuracy of the record in the proceedings of the evidence of the judge-advocate.

(B) If the court is composed of native officers and the judge-advocate or superintending officer is called as a witness by the accused, the interpreter shall be responsible for the



accuracy of the record in the proceedings of the evidence of the judge-advocate or superintending officer. If no interpreter has previously been appointed, or if the interpreter is unable to record the proceedings in the English language, an interpreter shall be appointed for this purpose by the Court.

(c) The evidence shall be taken down in a narrative form in as nearly as possible the words used; but in any case where the prosecutor, the accused person, the judge-advocate, or the court considers it material, the question and answer shall be taken down *verbatim*.

(d) Any question which has been objected to, and the tender of any evidence which has been objected to, shall, if the prosecutor or accused so requests, or the court think fit, be entered with the grounds of the objection, and the decision of the court thereon.

(e) Where any address by, or on behalf of, the prosecutor or person under accusation, is not in writing, it shall not be necessary to record the same in the proceedings further or otherwise than the court think proper, except that—

(1) the court shall in every case make such record of the defence made by the accused as will enable the confirming officer to judge of the reply made by, or on behalf of, the accused to each charge against him; and

(2) the court shall also record any particular matters in the address by, or on behalf of, the prosecutor or accused person, which the prosecutor or accused person, as the case may be, requires.

(f) The court shall not enter in the proceedings any comment, or anything not before the court, or any report of any fact not forming part of the trial; but if any such comment or report seems to the court necessary, the court may forward it to the proper military authority in a separate document, signed by the president.

79. The proceedings shall be deemed to be in the custody of the judge-advocate (if any), or, if there is none, of the president or superintending officer, but may, with proper precautions for their safety, be inspected by the members of the court, the prosecutor and accused, respectively, at all reasonable times before the court is closed to consider the finding. Custody and inspection of proceedings.

80. The proceedings shall be at once sent by the person having the custody thereof to such person as may be directed by the order convening the court, or, in default of any such direction, to the confirming officer. Transmission of proceedings after finding.

#### *Friend of Accused and Counsel.*

81. (A) At any general or district court-martial, an accused person may have a person to assist him during the trial, whether a legal adviser or any other person. Accused may have a person to assist him on trial.

(B) A person so assisting him may advise him on all points, and suggest the questions to be put to witnesses; and, if an officer subject to military law, shall have the same rights and duties as counsel have under these rules, and the right of the accused shall be limited in like manner.

82. (A) Subject to these rules, counsel shall be allowed to appear on behalf of the prosecutor, and accused at general and district courts-martial if the Commander-in-Chief in India or the convening officer declares that it is expedient to allow the appearance of counsel thereat, and such declaration may be made as regards all general and district courts-martial held in any particular place, or as regards any particular general or district court-martial, and may be made subject to such reservation as to cases on active service, or otherwise, as seems expedient. Counsel allowed in certain general and district courts-martial.

(B) Save as provided in Rule 81, the rules with respect to counsel shall apply only to the courts-martial at which counsel are, under this rule, allowed to appear.

83. (A) Where an accused person gives notice of his intention to have counsel to assist him during the trial, either on the day on which he is informed of the charge or at any time not being less than seven days before the trial, or such shorter time before the trial as in the opinion of the court would have enabled the prosecutor to obtain, if he had thought fit, counsel to assist him during the trial, and would have enabled the authority appointing a judge-advocate to appoint counsel to act as judge-advocate at the trial, or where such notice as mentioned in (B) is given to the accused on the part of the prosecution, counsel may appear at the court-martial to assist the accused. Requirements for appearance of counsel.

(B) If the convening officer so directs, counsel may appear on behalf of the prosecutor, but in that case, unless the notice in (A) has been given by the accused, notice of the direction for counsel to appear shall be given to the accused at such time (not in any case less than seven days) before the trial, as would, in the opinion of the court, have enabled the accused to obtain counsel to assist him at the trial.

(C) The counsel, who appears before a court-martial on behalf of the prosecutor or accused, shall have the same right as the prosecutor or accused for whom he appears, to call, and orally examine, cross-examine, and re-examine witnesses, to make an objection



or statement, to address the court, to put in any plea, and to inspect the proceedings, and shall have the right otherwise to act in the course of the trial in the place of the person on whose behalf he appears, and he shall comply with these rules as if he were that person; and in such case that person shall not have the right himself to do any of the above matters except as regards the statement allowed by Rule 88 or except so far as the court permit him so to do.

(D) When counsel appears on behalf of the prosecutor, the prosecutor, if called as a witness, may be examined and re-examined as any other witness, and Rule 46 (C) and (D) shall not apply.

Counsel for prosecution.

84. The counsel appearing on behalf of the prosecutor shall have the same duty as the prosecutor, and is subject to be stopped and restrained by the court in the manner provided by Rule 66 (B).

Counsel for accused.

85. The counsel appearing on behalf of the accused has the like rights, and is under the like obligations as are specified in Rule 66 (C) in the case of the accused.

General rules as to counsel.

86. Counsel, whether for the prosecution or for the accused, shall conform strictly to these rules and to the rules of criminal courts in India relating to the examination, cross-examination, and re-examination of witnesses, and relating to the duties of counsel.

Qualifications of counsel.

87. (A) Neither the prosecutor nor the accused has any right to object to any counsel if properly qualified.

(B) Counsel shall be deemed properly qualified if he is a legal practitioner authorised to practise with right of audience in a Court of Sessions in British India, or if, in any part of His Majesty's dominions other than British India, he is recognised by the convening officer as having in that part rights and duties similar to those of such a legal practitioner in British India and as being subject to punishment or disability for a breach of professional rules.

Statement by accused defended by counsel or officer.

88. (A) An accused person assisted by counsel, or by an officer subject to military law, may, if he thinks fit, at the close of the case for the prosecution and before the address by such counsel or officer, make a statement giving his own account of the subject of the charges against him.

The statement may be made either orally or in writing, but the accused making the statement shall not be sworn, and no question can be put to him by the court or by any other person.

(B) If the accused make such a statement, the procedure shall, so far as possible, be the same as if the accused had called witnesses to the facts of the case.

#### Judge-Advocate.

Disqualification of judge-advocate.

89. An officer who is disqualified for sitting on a court-martial, and any other person who would have been so disqualified had he been an officer, shall be disqualified for acting as judge-advocate at that court-martial.

Substitute on death, illness or absence of judge-advocate.

90. If the judge-advocate dies, or from illness or from any cause whatever is unable to attend, the court shall adjourn, and the president shall report the circumstance to the convening authority; and a person not disqualified to be judge-advocate may be appointed by that authority, who shall be sworn, or affirmed, and act as judge-advocate for the residue of the trial, or until the judge-advocate returns.

Powers and duties of judge-advocate.

91. The powers and duties of a judge-advocate are as follows:—

(A) The prosecutor and the accused, respectively, are at all times, after the judge-advocate is named to act on the court, entitled to his opinion on any question of law relative to the charge or trial, whether he is in or out of court, subject, when he is in court, to the permission of the court.

(B) At a court-martial he represents the judge-advocate general.

(C) He is responsible for informing the court of any informality or irregularity in the proceedings. Whether consulted or not, he shall inform the convening officer and the court of any informality or defect in the charge, or in the constitution of the court, and shall give his advice on any matter before the court.

(D) Any information or advice given to the court on any matter before the court shall, if he or the court desire it, be entered in the proceedings.

(E) At the conclusion of the case he shall, unless both he and the court consider it unnecessary, sum up the evidence and give his opinion upon the legal bearing of the case before the court proceed to deliberate upon their finding.

(F) The court, in following the opinion of the judge-advocate on a legal point, may record that they have decided in consequence of that opinion.

(G) The judge-advocate has, equally with the officer conducting the proceedings, the duty of taking care that the accused does not suffer any disadvantage in consequence of his position as such, or of his ignorance or incapacity to examine or cross-examine witnesses or otherwise, and may, for that purpose, with the permission of the court, call witnesses and put questions to witnesses, which appear to him necessary or desirable to elicit the truth.

(H) In fulfilling his duties the judge-advocate must be careful to maintain an entirely impartial position.

### SECTION 3.—SUMMARY COURTS-MARTIAL.

92. The officer holding the trial, hereinafter called the Court, shall record, or cause to be recorded, in the English language, the transactions of every summary court-martial. Proceedings.

93. When any evidence is given in a language which the Court or the accused does not understand, that evidence shall be interpreted to the Court or accused as the case may be in a language which it or he does understand. The Court shall, for this purpose, either appoint an interpreter, or shall itself take the oath or affirmation prescribed for an interpreter at a summary court-martial. When documents are put in for the purpose of formal proof, it shall be in the discretion of the Court to cause as much to be interpreted as appears necessary. Evidence, when to be translated.

94. When the Court, the interpreter (if any), and the officers attending the trial are assembled, the accused shall be brought before the Court, and the oaths or affirmations prescribed in Rule 95 taken by the persons therein mentioned. Assembly.

95. (A) The Court shall make oath or affirmation in one of the following forms or in such other form to the same purport as may be according to its religion or otherwise binding on its conscience. Swearing or affirming of court and interpreter.

#### *Form of Oath.*

"I do swear that I will duly administer justice, according to the Indian Army Act, without partiality, favour or affection, and if any doubt shall arise, then, according to my conscience, the best of my understanding, and the custom of war in the like cases. So help me God."

The words "So help me God" may, when necessary, be omitted or varied.

#### *Form of Affirmation.*

"I solemnly affirm, in the presence of Almighty God, that I will duly administer justice,"—etc.,—as in the form of oath but omitting the words "So help me God."

(B) After which the Court or some person empowered by it, shall administer to the interpreter (if any) an oath or affirmation in one of the following forms, or in such other form to the same purport as the court ascertains to be according to his religion or otherwise binding on his conscience.

#### *Form of Oath.*

"You do swear that you will faithfully interpret and translate, as you shall be required to do touching the matter before this court-martial. So help you God."

The first person may, when necessary, be substituted for the second in this form of oath, and the words "So help you God" omitted or varied.

#### *Form of Affirmation.*

"I solemnly affirm, in the presence of Almighty God, that I will faithfully interpret and translate, as I shall be required to do, touching the matter before this court-martial."

(C) After the oaths and affirmations have been administered all witnesses will withdraw from the court.

96. (A) A summary court-martial may be sworn or affirmed at the time to try any number of accused persons then present before it whether those persons are to be tried together or separately. Swearing of court to try several accused persons.

(B) In the case of several accused persons to be tried separately, the court, when sworn or affirmed, shall proceed with one case postponing the other cases and taking them afterwards in succession.

97. (A) After the Court and interpreter (if any) are sworn or affirmed as above mentioned, the accused shall be arraigned on the charges against him. Arraignment of accused.

- (B) The charges on which the accused is arraigned shall be read and, if necessary, translated to him, and he shall be required to plead separately to each charge.
- Objection by accused to charge.** 98. The accused, when required to plead to any charge, may object to the charge on the ground that it does not disclose an offence under the Act, or is not in accordance with these rules.
- Amendment of charge.** 99. (A) At any time during the trial, if it appears to the court that there is any mistake in the name or description of the accused in the charge-sheet, it may amend the charge-sheet so as to correct that mistake.
- (B) If on the trial of any charge it appears to the court at any time before it has begun to examine the witnesses, that in the interests of justice any addition to, omission from, or alteration in, the charge is required, it may amend such charge and may, after due notice to the accused, and with the sanction of the officer empowered to convene a district court-martial for the trial of the accused if the amended charge requires such sanction, proceed with the trial on such amended charge.
- Special plea.** 100. If a special plea to the general jurisdiction of the court, or a plea in bar of trial, is offered by the accused the procedure laid down for general and district courts-martial when disposing of such pleas shall, so far as may be applicable, be followed, but no finding by a summary court-martial on either of such pleas shall require confirmation.
- General plea of guilty or not guilty.** 101. (A) The accused person's plea—"Guilty" or "Not guilty" (or if he refuses to plead, or does not plead intelligibly either one or the other, a plea of "Not guilty")—shall be recorded on each charge.
- (B) If an accused person pleads "Guilty," that plea shall be recorded as the finding of the Court; but before it is recorded, the Court shall ascertain that the accused understands the nature of the charge to which he has pleaded guilty and shall inform him of the general effect of that plea, and in particular of the meaning of the charge to which he has pleaded guilty, and of the difference in procedure which will be made by the plea of guilty, and shall advise him to withdraw that plea if it appears from the summary of evidence (if any) or otherwise, that the accused ought to plead not guilty.
- Procedure after plea of "Guilty."** 102. (A) Upon the record of the plea of "Guilty," if there are other charges in the same charge-sheet to which the plea is "Not guilty," the trial shall first proceed with respect to those other charges, and, after the finding on those charges, shall proceed with the charges on which a plea of "Guilty" has been entered; but if they are alternative charges, the Court may either proceed with respect to all the charges as if the accused had not pleaded "Guilty" to any charge, or may, instead of trying him, record a finding of "Not guilty," on each alternative charge to which the accused has not pleaded "Guilty."
- (B) After the record of the plea of "Guilty" on a charge (if the trial does not proceed on any other charges) the Court shall read the summary of evidence, and annex it to the proceedings, or if there is no such summary, shall take and record sufficient evidence to enable it to determine the sentence, and the reviewing officer to know all the circumstances connected with the offence. This evidence shall be taken in like manner as is directed by these Rules in the case of a plea of "Not guilty."
- (C) After such evidence has been taken, or the summary of evidence has been read, as the case may be, the accused may address the court in reference to the charge and in mitigation of punishment and may call witnesses as to his character.
- (D) If from the statement of the accused, or from the summary of evidence, or otherwise, it appears to the Court that the accused did not understand the effect of his plea of "Guilty," the Court shall alter the record and enter a plea of "Not guilty," and proceed with the trial accordingly.
- (E) If a plea of "Guilty" is recorded, and the trial proceeds with respect to other charges in the same charge-sheet, the proceedings under (B) and (C) shall take place when the findings on the other charges in the same charge-sheet are recorded.
- (F) When the accused states anything in mitigation of punishment which in the opinion of the Court requires to be proved, and would, if proved, affect the amount of punishment, the Court may permit the accused to call witnesses to prove the same.
- Withdrawal of plea of "Not guilty."** 103. The accused may, if he thinks fit, at any time during the trial, withdraw his plea of "Not guilty," and plead "Guilty," and in such case the court shall at once, subject to a compliance with Rule 101 (B), record a plea and finding of "Guilty," and shall, so far as is necessary, proceed in manner directed by Rule 102.
- Procedure after plea of "Not guilty."** 104. After the plea of "Not guilty" to any charge is recorded, the evidence for the prosecution will be taken. At the close of the evidence for the prosecution the accused shall be asked if he has anything to say in his defence, and may address the Court in his defence, or may defer such address until he has called his witnesses.
- The accused may then call his witnesses, including also witnesses to character.

105. The Court may, if it thinks it necessary in the interests of justice, call witnesses in reply to the defence. Witnesses in reply to defence.

106. After all the evidence, both for prosecution and defence, has been heard, the Court shall give its opinion as to whether the accused is guilty or not guilty of the charges. Verdict.

107. (A) The finding on every charge shall be recorded, and except as mentioned in these rules, shall be recorded simply as a finding of "Guilty" or of "Not guilty" or of "Not guilty and honourably acquit him of the same". Finding.

(B) When the Court is of opinion as regards any charge that the facts found to be proved in evidence differ materially from the facts alleged in the statement of particulars in the charge, but are nevertheless sufficient to prove the offence stated in the charge, and that the difference is not so material as to have prejudiced the accused in his defence, it may, instead of a finding of "Not guilty," record a special finding.

(C) The special finding may find the accused guilty on a charge, subject to the statement of exceptions or variations specified therein.

(D) When the Court is of opinion that the facts proved do not disclose an offence under the Act the Court will acquit the prisoner on that charge.

108. If the finding on each of the charges in a charge-sheet is "Not guilty," the Court shall date and sign the proceedings, the findings will be announced in open court, and the accused will be released in respect of those charges. Procedure on finding of "Guilty".

109. (A) If the finding on any charge is "Guilty," the Court may record of its own knowledge, or take evidence of and record, the general character, age, service, rank, and any recognised acts of gallantry or distinguished conduct of the accused, any previous convictions of the accused either by a court-martial, or a criminal court, any previous punishments awarded to him by an officer exercising authority under section 20 of the Act, the length of time he has been in arrest or in confinement on any previous sentence, and any military decoration, or military reward of which he may be in possession or to which he is entitled, and which the court can sentence him to forfeit. Procedure on finding of "Guilty".

(B) If the Court does not record the matters mentioned in this rule of its own knowledge, evidence on these matters may be taken in the manner directed in Rule 53 for similar evidence at general and district courts-martial.

110. The Court shall award one sentence in respect of all the offences of which the accused is found guilty. Sentence.

111. The Court shall date and sign the sentence and such signature shall authenticate the whole of the proceedings. Signing of proceedings.

112. When the charges at a trial by summary court-martial are contained in different charge-sheets, the procedure laid down for general and district courts-martial when trying charges contained in different charge-sheets, shall, so far as may be applicable, be followed. Charges in different charge-sheets.

113. (A) The officer holding the trial may clear the court to consider the evidence or to consult with the officers attending the trial. Clearing the court.

(B) Except as above mentioned, all the proceedings, including the view of any place, shall be in open court and in the presence of the accused.

114. A summary court-martial may adjourn from time to time, and from place to place, and may, when necessary, view any place. Adjournment.

115. In any summary court-martial an accused person may have a person to assist him during the trial, whether a legal adviser or any other person. A person so assisting him may advise him on all points and suggest the questions to be put up to witnesses, but shall not examine or cross-examine witnesses or address the Court. Friend of accused.

116. An explanatory memorandum is to be attached to the proceedings when a summary court-martial tries, without reference, an offence which should not ordinarily be so tried. Memorandum to be attached to proceedings.

117. The sentence of a summary court-martial shall (except as provided in Rule 118) be promulgated, in the manner usual in the service, at the earliest opportunity after it has been pronounced and shall be carried out without delay after promulgation. Promulgation.

118. When the officer holding the trial has less than five years' service, the sentence of a summary court-martial shall not (except on active service) be promulgated or carried out until approved by superior authority as provided in section 101 of the Act. Promulgation to be deferred in certain circumstances.

119. The proceedings of a summary court-martial shall, immediately on promulgation, be forwarded (through the deputy judge-advocate-general of the army in which the trial is held) to the officer authorised to deal with them in pursuance of section 102 of the Act. After review by him they will be returned to the accused person's corps for preservation in accordance with Rule 132. Review of proceedings.

## SECTION 4.—GENERAL PROVISIONS.

*Witnesses and Evidence.*

Calling of all  
prosecutor's  
witnesses.

120. The prosecutor or, in the case of trials by summary court-martial, the Court is not bound to call all the witnesses whose evidence is in the summary of evidence or whom the accused has been informed they intend to call, but they should ordinarily call such of them as the accused desires, in order that he may cross-examine them, and shall, for this reason, so far as practicable, secure the attendance of all such witnesses.

Calling of  
witness whose  
evidence is not  
contained in  
summary.

121. If the prosecutor or (in the case of a summary court-martial) the Court intends to call a witness whose evidence is not contained in any summary given to the accused, notice of the intention shall be given to the accused a reasonable time before the witness is called; and if such witness is called without such notice having been given, the court shall, if the accused so desire it, either adjourn after taking the evidence of the witness, or allow the cross-examination of such witness to be postponed, and the court shall inform the accused of his right to demand such adjournment or postponement.

List of witnesses  
of accused.

122. The accused shall not be required to give to the prosecutor or Court a list of the witnesses whom he intends to call, but it shall rest with the accused alone to secure the attendance of any witness whose evidence is not contained in the summary, and for whose attendance the accused has not requested steps to be taken as provided by Rule 23 (A).

Procuring  
attendance of  
witnesses.

123. (A) In the case of trials by general or district court-martial, the convening officer, or, after the assembly of the court, the president, shall take proper steps to procure the attendance of the witnesses whom the prosecutor or accused desires to call, and whose attendance can reasonably be procured, but the person requiring the attendance of a witness may be required to undertake to defray the cost (if any) of his attendance.

(B) The Court shall, in the case of trials by summary court-martial, take proper steps to procure the attendance of the witnesses whom the accused desires to call and whose attendance can reasonably be procured, but the accused may be required to undertake to defray the cost (if any) of their attendance.

Procedure when  
essential witness  
is absent.

124. If such proper steps as mentioned in the preceding rule have not been taken as to any witness, or if any witness whose attendance could not be reasonably procured before the assembly of the court is essential to the prosecution or defence, the court shall,—

- (a) take steps to procure the issue of a commission for the examination of such witness; or
- (b) if it is a general or district court-martial, adjourn and report the circumstances to the convening officer; or
- (c) if it is a summary court-martial, adjourn to enable the witness to attend, or adopt such other course as appears to the officer holding the trial best calculated to do justice.

Withdrawal of  
witnesses from  
court.

125. During the trial a witness, other than the prosecutor, shall not, except by special leave of the court, be permitted to be present in court while not under examination, and if, while he is under examination, a discussion arises as to the allowance of a question or the sufficiency of his answers, or otherwise as to his evidence, he may be directed to withdraw.

Oath or affirmation  
to be administered  
to witnesses.

126. An oath or affirmation shall be administered to every witness, before he gives his evidence by a member of the court, the judge-advocate, the superintending officer or some other person empowered by the court, in one of the following forms or in such other form to the same purport as the court ascertains to be according to the religion or otherwise binding on the conscience of the witnesses.

*Form of Oath.*

"You do swear that what you shall state shall be the truth, the whole truth, and nothing but the truth. So help you God."

The first person may, when necessary, be substituted for the second in this form of oath, and the words "So help you God" omitted or varied.

*Form of Affirmation.*

"I solemnly affirm, in the presence of Almighty God, that what I shall state shall be the truth, the whole truth, and nothing but the truth."

127. (A) Every question may be put to a witness orally by the officer holding the trial, the prosecutor, accused, or judge-advocate, and the witness will forthwith reply, unless an objection is made by the court, judge-advocate, prosecutor, or accused, in which case he shall not reply until the objection is disposed of. The witness shall address his reply to the court. Mode of questioning witnesses.

(B) The evidence of a witness as taken down shall be read to him after he has given all his evidence and before he leaves the court, and shall, if necessary, be corrected.

(C) If the witness denies the correctness of any part of the evidence when the same is read over to him, the court may instead of correcting the evidence, record the objection made to it by the witness.

(D) If the evidence is not given in English and the witness does not understand that language the evidence as recorded shall be interpreted to him in the language in which it was given, or in a language which he understands.

128. (A) At any time before the time for the second address of the accused (or at a summary court-martial at any time before the finding of the court), the officer holding the trial, the judge-advocate and any member of the court may, subject to the provisions of this rule, address any question to a witness. Questions to witnesses by court or judge-advocate.

(B) At a general or district court-martial such questions shall only be addressed to witnesses with the permission of the court and through the officer conducting the proceedings.

(C) Upon any such question being answered, the officer holding the trial or conducting the proceedings shall also put to the witness any question relative to that answer which he may be requested to put by the prosecutor or the accused, and which the court deems reasonable.

129. (A) At the request of the prosecutor or accused person a witness may, by leave of the court, be re-called at any time before the time for the second address of the accused (or at a summary court martial at any time before the finding of the court), for the purpose of having any question put to him through the officer holding the trial or conducting the proceedings. Re-calling of witnesses and calling of witnesses in reply.

(B) A witness may, in special cases, be allowed by the court to be called or re-called by the prosecutor, before the time for the second address of the accused, for the purpose of rebutting any material statement made by a witness for the defence upon his examination by the accused on any new matter which the prosecutor could not reasonably have foreseen.

(C) Where the accused has called witnesses to character, the prosecutor, before the time for the second address of the accused, may call or re-call witnesses for the purpose of proving a previous conviction or entries in the defaulters' book against the accused.

(D) The court may call or re-call any witness at any time before the finding, if it considers that it is necessary for the ends of justice.

#### Addresses.

130. All addresses by the prosecutor and the accused and the summing up of the judge-advocate may either be given orally or be in writing, and, if in writing, shall be read in open court. Addresses may be in writing.

#### Insanity.

131. (A) Where the court find either that the accused is unfit, by reason of insanity, to take his trial, or that he committed the offence with which he is charged, but was insane at the time of the commission thereof, the president or officer holding the trial shall date and sign the finding. Provisions as to finding of insanity, and custody of insane person.

(B) In the case of a general or district court-martial the proceedings, upon being also signed by the judge-advocate, if any, shall be at once transmitted for confirmation. If such finding is not confirmed, the accused may be tried by the same or another court-martial for the offence with which he was originally charged.

(C) Where such a finding of a general or district court-martial is confirmed, and in all cases of such a finding by a summary court-martial, then, until the directions of the Governor General in Council as to the disposal of the accused are known, or in the case of an accused person unfit to take his trial, until any earlier time at which the accused is fit to take his trial, the accused shall be confined in such manner as may, in the opinion of the proper military authority, be best calculated to keep him securely without unnecessary harshness, as he is not to be considered as a criminal but as a person labouring under a disease.

*Preservation of Proceedings.*

Preservation of  
proceedings.

132. (A) The proceedings of a court-martial (other than summary court-martial) shall, after promulgation, be forwarded, as circumstances require, to the office of the Judge-Advocate-General in India, and there preserved for not less, in the case of a general court-martial, than seven years, and in the case of any other court-martial, than three years.

(B) The proceedings of a summary court-martial shall be preserved for not less than three years, with the records of the corps or department to which the accused belonged.

Right of person  
tried to copies of  
proceedings.

133. Every person tried by a court-martial shall be entitled on demand, at any time, after the confirmation of the finding and sentence, when such confirmation is required, and before the proceedings are destroyed, to obtain from the officer or person having the custody of the proceedings, a copy thereof, including the proceedings upon revision, if any, upon payment for the same of seven annas for the first two hundred words, and half that rate for each subsequent two hundred words, or part thereof.

Loss of  
proceedings.

134. (A) If the original proceedings of a court-martial, or any part thereof, are lost, a copy thereof, if any, certified by the president, the judge-advocate, the superintending officer or the officer holding the trial, may be accepted in lieu of the original.

(B) If there is no such copy, and sufficient evidence of the charge, finding, sentence, and transactions of the court can be procured, that evidence may, with the assent of the accused, be accepted in lieu of the original proceedings, or part thereof lost.

(C) In any case above in this rule mentioned, the finding and sentence, if requiring confirmation, may be confirmed, and shall be as valid as if the original proceedings, or part thereof, had not been lost.

(D) If, in a case where confirmation of a finding or finding and sentence, is required, the proceedings, or part thereof, were lost before confirmation, and there is no such copy or evidence, or the accused refuses such assent, as above mentioned the accused may be tried again; and on the issue of an order convening the court for the trial, the finding and sentence of the previous court, of which the proceedings were so lost, shall be null.

*Irregular Procedure when no injustice is done.*

Validity of irregu-  
lar procedure in cer-  
tain cases.

135. Whenever it appears that a court-martial had jurisdiction to try any person and that that person was charged with some offence or offences under the Act, and was shown by legal evidence to have been guilty of the offence or one of the offences charged, the finding in respect of the offence or offences of which he is so shown to be guilty, and the sentence may (if confirmation is necessary) be confirmed, and shall, if so confirmed, and in all cases where confirmation is not necessary, be valid, notwithstanding any deviation from these rules, or any defect or objection, technical or other, unless it appears that any injustice has been done to the offender; but nothing in this rule shall relieve an officer from any responsibility for any wilful or negligent disregard of any of these rules.

*Offences of Witnesses and others.*

Offences of wit-  
nesses and others.

136. When any court-martial is of opinion that there is ground for inquiring into any offence specified in section 38 of the Act and committed before it or brought under its notice in the course of its proceedings, or into any act done before it or brought under its notice in the course of its proceedings which would, if done by a person subject to the Act, have constituted such an offence, such court-martial may proceed as follows, that is to say—

(A) If the person who appears to have committed the offence is subject to the Act, the court may bring his conduct to the notice of the proper military authority, and may also order him to be placed in military custody with a view to his punishment by an officer exercising authority under section 20 of the Act or to his trial by court-martial.

(B) If the person who appears to have done the act is subject to the Army Act, the court may bring his conduct to the notice of the proper military authority.

(C) If the person who appears to have done the act is subject neither to the Act nor to the Army Act, the court, after making any preliminary inquiry that may be necessary, may send the case to the nearest magistrate of the first class for inquiry or trial in accordance with section 476 of the Code of Criminal Procedure, 1898.

**SECTION 5.—SUMMARY GENERAL COURTS-MARTIAL.**

The foregoing rules in this Chapter shall not, save as hereinafter mentioned, apply to summary general courts-martial, which shall be subject to the following rules:—

Convening the  
court and record of  
proceedings.

137. The court may be convened and the proceedings of the court recorded in accordance with the form in the third appendix to these rules, with such variations as the circumstances of each case may require.

138. The statement of an offence may be made briefly in any language sufficient to describe or disclose an offence under the Act. Charge.

139. The court may be sworn at the same time to try any number of accused persons then present before it, but, except so far as accused persons are tried together for an offence committed collectively, the trial of each accused person will be separate. Trial of several accused persons.

140. (A) The names of the president and members of the court shall be read over to the accused who shall thereupon be asked if he objects to be tried by any of these officers. Challenges.

(B) Any objection will be decided as provided for in section 80 of the Act—the vacancies being filled from among the waiting members (if any) or by fresh members being appointed by the convening officer.

141. (A) As soon as the court is constituted with the proper number of officers who are not objected to, or the objections to whom have been overruled, an oath or affirmation shall be administered to every member in such of the forms laid down in Rule 35 as shall be appropriate, or in such other form to the same purport as the court ascertain to be according to his religion or otherwise binding on his conscience. Swearing or affirming the court.

(B) If an interpreter or superintending officer has been appointed, the appropriate oath or affirmation, as laid down in Rule 36, shall be administered to him.

(C) All oaths and affirmations shall be administered by a member of the court or by some person empowered by the court to do so.

142. When the court are sworn or affirmed, the president shall state to the accused then to be tried, the offence with which he is charged, with, if necessary, an explanation giving him full information of the act or omission with which he is charged, and shall ask the accused whether he is guilty or not of the offence. Arraignment.

143. If a special plea to the general jurisdiction is offered by the accused, and is considered by the court to be proved, the court shall report the same to the convening officer. Plea to jurisdiction.

144. (A) The witnesses for the prosecution will be called and the accused shall be allowed to cross-examine them and to call any available witnesses for his defence. Evidence.

(B) An oath or affirmation as laid down in Rule 126 shall be administered to every witness, before he gives his evidence, by one of the persons specified in that rule.

145. The accused shall be asked what he has to say in his defence, and shall be allowed to make his defence. Defence.

146. The evidence for the prosecution and defence need not be recorded in writing, but the convening officer may, in respect of any trial, specially order that such evidence, together with the statement of the accused person in his defence, shall be so recorded. Evidence need not be recorded.

147. The court shall then be closed to consider its finding. If the finding on any charge is "guilty" the court may receive any evidence as to previous convictions and character which is available. The court shall then deliberate in closed court as to its sentence. Finding and sentence.

148. (A) If the proceedings do not require confirmation, the result shall be announced in open court and the sentence carried into effect as soon as possible. Proceedings after sentence or finding.

(B) If the proceedings require confirmation they shall be transmitted without delay to the confirming officer and the sentence (if any) carried out as soon as possible after his confirmation has been received.

149. (A) A summary general court-martial may adjourn from time to time and from place to place and may when necessary view any place. Adjournment.

(B) The proceedings shall be held in open court, in the presence of the accused, except on any deliberation among the members, when the court may be closed.

150. The foregoing rules—59 (Mitigation of sentence on partial confirmation), 61 (Confirmation notwithstanding informality in or excess of punishment), 80 (Transmission of proceedings after finding), 132 (Preservation of proceedings), 133 (Right of person tried to copies of proceedings), 134 (Loss of proceedings), and 135 (Validity of irregular procedure in certain cases)—shall, so far as practicable, apply as if a summary general court-martial were a district court-martial. Application of rules.

151. Any statement in an order convening a summary general court-martial as to the opinion of the convening officer shall be conclusive evidence of that opinion, but this rule shall not prejudice the proof at any time of any such opinion when not so stated. Evidence of opinion of convening officer.

#### SECTION 6.—EXECUTION OF SENTENCES.

152. A warrant for the committal of a person sentenced by a court-martial to a civil prison under the provisions of section 107 of the Act, shall be in one of the forms given. Committal warrants.



in the fourth Appendix to these Rules. Such warrant shall be signed by the commanding officer of the prisoner or by a staff officer of the division, brigade or station.

Warrants under section 109 of the Act.

153. Any warrant issued under the provisions of section 109 of the Act shall be in one of the forms given in the fourth Appendix to these Rules, and shall be signed by the officer making the order in pursuance of which such warrant is issued, or by his staff officer.

Sentence of dismissal or suspension.

154. (A) A sentence of dismissal awarded by a court-martial shall take effect from the date on which a discharge certificate is furnished to the person under sentence. Such certificate shall be so furnished with all convenient speed :

Provided that when dismissal is combined with simple imprisonment, or with rigorous imprisonment which is carried out in military custody, or with corporal punishment, the certificate shall not be furnished until the completion of the imprisonment or the infliction of the corporal punishment unless such imprisonment or corporal punishment is remitted by competent authority.

(B) A sentence of suspension awarded by a court-martial shall, if no confirmation is necessary, take effect from the date on which it is signed by the president ; if confirmation is necessary, such sentence shall take effect from the date on which, having been duly confirmed, it is communicated to the offender.

"Regulation cat".

155. The " regulation cat," referred to in sections 24 and 111 of the Act, shall consist of nine whip-cord lashes secured to a wooden handle. Each lash shall be twenty-four inches in length and as nearly as possible one quarter of an inch in circumference, three knots being tied on each lash at about one and a half, three and a quarter and five inches from its end. The handle shall not exceed eighteen and a half inches in length and its diameter shall in no place exceed seven-eighths of an inch.

## CHAPTER V.

### COURTS OF INQUIRY.

#### *Losses or thefts of arms.*

Court of inquiry when rifles etc. are lost or stolen.

156. (A) Whenever any rifle, carbine or bolt forming part of the equipment of a half-squadron, battery, company or other similar unit is lost or stolen, a court of inquiry shall be assembled, under the orders of the officer commanding the army, division or independent brigade, to investigate the circumstances under which the loss or theft occurred.

(B) The officer who assembled the court shall direct it to record an opinion as to the circumstances of the loss or theft.

Collective fine may be imposed.

157. (A) The officer commanding the army, division or independent brigade shall then record his opinion on the circumstances of the loss or theft, and may impose a collective fine, not exceeding five hundred rupees for each rifle or carbine lost or stolen and twenty-five rupees for each bolt lost or stolen, on the native officers, non-commissioned officers, and men of such unit, or upon so many of them as he considers should be held responsible for the occurrence.

(B) Such fine will be assessed as a percentage on the pay of the individuals on whom it falls.

#### *Regulations for courts of inquiry other than courts of inquiry held under section 126 of the Act.*

Courts of inquiry.

158. (A) A court of inquiry is an assembly of officers directed to collect evidence, and, if so required, to report with regard to any matter which may be referred to them.

(B) A court of inquiry may be assembled by the officer in command of any body of troops, whether belonging to one or more corps.

(C) The court may be composed of any number of officers of any rank, and of any branch or department of the service, according to the nature of the investigation.

(D) The court shall be guided by the written instructions of the authority who assembled the court. The instructions shall be full and specific, and shall state the general character of the information required. They shall also state whether a report is required or not.

(E) Previous notice should be given of the time and place of the meeting of a court of inquiry, and of all adjournments of the court, to all persons concerned in the inquiry.

(F) Whenever any inquiry affects the character or military reputation of a person subject to military law, full opportunity must be afforded to such person of being present throughout the inquiry, and of making any statement, and of giving any evidence he may wish to make or give, and of cross-examining any witness whose evidence, in his opinion,

affects his character or military reputation, and producing any witnesses in defence of his character or military reputation.

(c) It is the duty of a court of inquiry to put such questions to a witness as they think desirable for testing the truth or accuracy of any evidence he has given, and otherwise for eliciting the truth.

(d) When a court of inquiry is held on recovered prisoners of war, and in any other case in which the officer who assembled the court has so directed, the evidence shall be taken on oath or affirmation, in which case the court shall administer the same oath or affirmation to witnesses as if the court were a court-martial.

The officer who assembled the court shall, when the court is held on a returned prisoner of war, direct the court to record their opinion whether the person concerned was taken prisoner through his own wilful neglect of duty, whether he served with or under, or aided, the enemy, and whether he returned, as soon as possible, to the service. The officer who assembled the court shall also record his own opinion on these points. In other cases the court shall give no opinion on the conduct of any person unless so directed by the officer who assembled the court.

(i) The members of the court shall not themselves be sworn or affirmed, but when the court is a court of inquiry on recovered prisoners of war the members shall make the following declaration:—

*I, A.B., do declare upon my honour that I will duly and impartially inquire into and give my opinion as to the circumstances in which ——— became a prisoner of war, according to the true spirit and meaning of the Regulations of the Army; and I do further declare, upon my honour, that I will not on any account, or at any time, disclose or discover my own vote or opinion, or that of any particular member of the court, unless required to do so by competent authority.*

(j) The court may be re-assembled as often as the officer who assembled the court may direct, for the purpose of examining additional witnesses, or further examining any witness, or recording further information.

(k) The whole of the proceedings of a court of inquiry shall be forwarded by the president to the officer who assembled the court.

(l) The proceedings of a court of inquiry, or any confession, statement, or answer to a question made or given at a court of inquiry, shall not be admissible in evidence against a person subject to military law, nor shall any evidence respecting the proceedings of the court be given against any such person except upon the trial of such person for wilfully giving false evidence before that court.

(m) Any person subject to the Act who is tried by court-martial in respect of any matter or thing which has been reported on by a court of inquiry, and, unless the Commander-in-Chief in India sees reason to order otherwise, any person so subject whose character or military reputation is, in the opinion of the said Commander-in-Chief, affected by anything in the evidence before, or in the report of a court of inquiry, shall be entitled to a copy of the proceedings of the court, including any report made by the court, on payment at the rate laid down in Rule 133 for copies of the proceedings of courts-martial.

*Regulations for courts of inquiry under section 126 of the Act for the purpose of determining the illegal absence of persons subject to that Act.*

159. (A) A court of inquiry under section 126 of the Act shall, when assembled, require the attendance of such witnesses as they think sufficient to prove the absence and other facts specified as matters of inquiry in that section.

Courts of inquiry as to illegal absence under s. 126 of the Act.

(B) They shall take down the evidence given them in writing, and at the end of the proceedings shall make a declaration of the conclusions at which they have arrived in respect of the facts they are assembled to inquire into.

(C) The commanding officer of the absent person shall enter in the court-martial book of the corps or department a record of the declaration of the court, and the original proceedings will be destroyed.

(D) The court of inquiry shall examine all witnesses who may be desirous of coming forward on behalf of the absentee, and shall put such questions to them as may be desirable for testing the truth or accuracy of any evidence they have given, and otherwise for eliciting the truth, and the court in making their declaration shall give due weight to the evidence of all such witnesses.

(E) A court of inquiry shall administer the same oath or affirmation to the witnesses as if the court were a court-martial, but the members of such court shall not themselves be sworn or affirmed.

## CHAPTER VI.

### PREScribed OFFICERS, AUTHORITIES AND OTHER MATTERS.

**Prescribed officers** 160. All powers which may, under the Act and these rules, be exercised by the officer commanding a division shall, as regards persons subject to the said Act who may be serving under his orders, be exercised by each of the following officers, that is to say:—

- The officer commanding in North China.
- The officer commanding in South China.
- The officer commanding in Ceylon.
- The officer commanding in the Straits Settlements.
- The officer commanding in Egypt.

Provided that, if any warrant officer or attested person is dismissed or if his discharge is authorized by any of the aforesaid officers, his dismissal or discharge shall not take effect until it has been approved by the Governor-General in Council or by the Commander-in-Chief in India.

**"Corps" prescribed** 161. (A) Each of the following separate bodies of persons subject to the Act shall be under s. 7 (b) of a "corps" for the purposes of Chapter II and section 30 (c) of the said Act and of Chapters II and III of these Rules:—

- (i) Each bodyguard.
- (ii) Each regiment of Indian cavalry.
- (iii) The Queen's Own Corps of Guides.
- (iv) The "Horse and Field Artillery;" comprising the native personnel of the Royal Horse and Field Artillery.
- (v) The "Garrison Artillery (Mountain);" comprising the native personnel of the Royal Garrison Artillery (Mountain Division).
- (vi) The "Garrison Artillery (Heavy);" comprising the native personnel of the Royal Garrison Artillery (Heavy Batteries).
- (vii) The Indian Coast Artillery.
- (viii) The Corps of Followers—Royal Garrison Artillery (Coast and Inland).
- (ix) The "Indian Artillery;" comprising the Indian Mountain batteries and the Frontier Garrison Artillery.
- (x) Each corps of sappers and miners.
- (xi) Each military railway company.
- (xii) Each signal company.
- (xiii) Each regiment or, where the regiment consists of two or more battalions, each battalion of Indian infantry.
- (xiv) The Supply and Transport Corps.
- (xv) The Army Hospital Corps.
- (xvi) The Army Bearer Corps.
- (xvii) The Corps of Followers—British Cavalry.
- (xviii) The Corps of Followers—British Infantry.

(xix) Any other separate body of persons subject to the Act employed on any service and not attached to any of the above corps or to any department.

(B) Every British or Indian unit in which a court-martial book is maintained shall be a "corps" for the purposes of section 126 of the Act and Rule 159.

(C) For the purposes of every other provision of the said Act and rules each of the following separate bodies shall be a "corps":—

- (i) Each regiment of British cavalry, battalion of British infantry, and brigade, group or similar body of British artillery.
- (ii) Each bodyguard.
- (iii) Each regiment of Indian cavalry.
- (iv) The Queen's Own Corps of Guides.
- (v) Each group, or ungrouped battery, of Indian artillery.
- (vi) Each corps of sappers and miners.
- (vii) Each military railway company.
- (viii) Each signal company.
- (ix) Each regiment or, where the regiment consists of two or more battalions, each battalion of Indian infantry.
- (x) Each reserve centre.
- (xi) Each transport corps or cadre.
- (xii) Each company of the Army Hospital Corps.
- (xiii) Each company of the Army Bearer Corps.
- (xiv) Any separate body of persons subject to the Act which is a "corps" under the provisions of clause (A) (xix) of this rule.

162. The authorities empowered to reduce a non-commissioned officer to a lower grade or to the ranks shall, on active service, include the officer commanding the forces in the field. Prescribed officer under s. 19 of the Act.

163. Any penal deduction from the pay and allowances of a person subject to the Act, made under Chapter VII thereof, may be remitted as hereinafter provided:— Prescribed authorities under s. 32 of the Act.

(A) Any penal deduction from the pay and allowances of any such person may be remitted by the Governor-General in Council.

(B) The commanding officer of any such person who has been absent without leave for a period not exceeding five days may, unless the person is convicted by a court-martial on a charge for such absence, remit the forfeiture of pay and allowances to which that absence renders him liable.

(C) A forfeiture of pay and allowances incurred by any such person owing to his absence as a prisoner of war may (unless it shall have been proved before a court of inquiry that he was taken prisoner through his own wilful neglect of duty, or that he served with or under, or aided, the enemy, or that he did not, as soon as possible, return to the service) be remitted by the Commander-in-Chief in India, by the officer commanding an army, division or independent brigade, or by the officer commanding the forces in the field.

164. The prescribed military authority for the purpose of section 69 and 70 of the Act shall be the officer commanding the army, division, brigade or station in which the accused person is serving. Prescribed authorities under ss. 69 and 70 of the Act.

Provided that, in cases falling under section 41 or 42 of the Act, in which death has resulted, the prescribed military authority shall be the officer commanding the army, division or independent brigade in which the accused person is serving, and no lower authority.

Prescribed persons  
under ss. 114 and  
115 of the Act.

165. (A) The prescribed person for the purposes of section 114 of the Act shall be,—

As regards estates remaining in the hands of commanding officers in the area of the Northern Army. The Comptroller, India Treasuries.

As regards estates remaining in the hands of commanding officers in the area of the Southern Army. The Accountant-General, Bombay or Madras, as the case may be.

(B) The prescribed person for the purposes of section 115 of the Act shall be the person referred to in paragraph (A) of this rule, and so long as the commanding officer has under the Act the control of the property of the deceased person or lunatic or of the proceeds of the sale of such property, shall also include such commanding officer.

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SECOND APPENDIX.

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FORMS OF CHARGES.

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## PART I.

*Commencement of Charge Sheet.*

The accused [*number, rank, name, corps*] or

The accused [*name*] being a person subject to Indian Military Law [as an officer, as a warrant officer, as a non-commissioned officer] under the provisions of section 2 (1) (c) [and section 3 (1)] of the Indian Army Act.  
is charged with—

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## PART II.

## Statement of offence.

## OFFENCES IN RESPECT OF MILITARY SERVICE.

## SECTION 25.

- (a) Shamefully { abandoning a { garrison  
delivering up a { fortress  
post  
guard } committed to his charge,  
which it was his duty to defend.
- (b) In presence of an enemy { shamefully casting away his { arms.  
intentionally using { words { to induce a person  
[other means] { law to abstain  
subject to military  
law } from acting against the enemy.  
misbehaving in such manner as to show cowardice.
- (c) (i) { Holding correspondence with } the enemy.  
{ Communicating intelligence to } a person in arms against the State.
- (g) Coming to the knowledge of a { correspondence  
with  
communication  
of intelligence  
to } { the enemy  
a person in arms  
against the State } and omitting  
to discover it  
immediately to  
his commanding  
or other superior officer.
- (d) Treacherously making known the watchword to a person not entitled to receive it.
- (e) (i) { Assisting } with { money  
valuables  
ammunition } { an enemy.  
a person in arms against the  
State.
- (g) Knowingly { harbouring  
protecting } { an enemy.  
a person in arms against the State.
- (f) (i) { In time of war  
During military  
operation } { intentionally occasioning  
false alarm in { action.  
camp.  
garrison.  
quarters.  
spreading reports calculated to create { alarm.  
despondency.
- (g) When a sentry { in time of  
over a { war  
alarm  
State prisoner  
treasure  
magazine  
dockyard } sleeping upon his post.  
quitting his post { without being regularly relieved  
without leave.
- (h) In time of action, leaving his { commanding  
officer  
post  
party } to go in search of plunder.
- (i) In time of war quitting his { guard  
perpet  
party  
patrol } { without being regularly relieved.  
without leave.
- (j) { In time of war  
During a military  
operation } { using criminal force to  
committing an assault } a person bringing { provision  
{ other necessaries } { to } camp } of His  
Majesty's  
Forces.  
forcing a safeguard.  
breaking into { a house  
[other place] } for plunder  
plundering { a field.  
injuring { a garden.  
destroying { other property.

## SECTION 26.

- (a) { Striking  
Forcing  
Attempting to force } a sentry.
- (b) In time of peace, intentionally occasioning a false alarm in { camp.  
garrison.  
cantonnement.
- (c) { When a sentry,  
When on guard, } { plundering  
wilfully destroying  
wilfully injuring } property placed under { his charge.  
charge of his guard.
- (d) When a sentry in time of peace, { sleeping upon his post.  
quitting his post } { without being regularly relieved.  
without leave.

## MUTINY AND INSUBORDINATION.

## SECTION 27.

- (a) { Beginning  
Exciting  
Causing  
Joining in } a mutiny.
- (b) Being present at a mutiny and not using his utmost endeavours to suppress the same.
- (c) { Knowing  
Having reason to believe in } the existence of { a mutiny,  
an intention to mutiny,  
a conspiracy against the State, } and failing to give information thereof without delay to his commanding or other superior officer.
- (d) { Using  
Attempting to use  
Committing an assault on } criminal force to { his superior officer } knowing having reason to believe { him to be such.
- (e) Disobeying the lawful command of his superior officer.

## SECTION 28.

- (a) Being grossly { insubordinate } to his superior officer in the execution of his office.
- (b) Refusing to { insolent  
superior  
assist in } the making { field work  
of a { other mili-  
tary work } } ordered to { in quarters  
be made } in the field.
- (c) (i) Impeding { a provost-marshal,  
an assistant provost-marshal,  
an officer  
a non-commissioned officer  
a person } legally exercising authority { under  
on behalf of } a provost-marshal.
- (d) Refusing when called on to assist in the execution of his duty { a provost-marshal,  
an assistant provost-marshal,  
an officer  
a non-commissioned officer  
a person } legally exercising authority { under  
on behalf of } a provost-marshal.

## DESERTION, FRAUDULENT ENROLMENT AND ABSENCE WITHOUT LEAVE.

## SECTION 29.

- (1) Deserting the service.
- (2) Attempting to desert the service.

## SECTION 30.

- (a) (1) Knowingly harbouring a deserter.
- (a) { Knowing  
Having reason to believe } that { a person has deserted,  
a deserter has been harboured  
by another person, } and { failing to give information thereof without delay to his own or some other superior officer,  
failing to use his utmost endeavours to cause such deserter to be apprehended.
- (b) { Knowing  
Having reason to believe } a person to be a { procuring  
deserter and } attempting to procure { the enrolment of such person.
- (c) Without having first obtained a regular discharge from his { corps  
department } enrolling himself in { the same  
another } { corps.  
department.
- (d) (1) Absenting himself without leave.
- (2) Without sufficient cause overstaying leave granted to him.
- (e) Having received information from { proper authority that the { corps  
portion of a } to which he belongs has been ordered on active service and failing without sufficient cause to rejoin from leave without delay.
- (f) Without sufficient cause failing to appear at the time fixed at { parade  
the place } appointed for { exercise,  
duty.
- (g) Quitting { parade  
the line of march } without sufficient cause without leave from his superior officer.
- (h) In time of peace quitting his { guard,  
picquet,  
patrol, } without being regularly relieved.
- (i) Being found, without proper authority two miles or upwards from camp.
- (j) Absenting himself without proper authority from his { cantonments  
lines  
camp after retreat beating.

## DISGRACEFUL CONDUCT.

## SECTION 31.

- (a) Dishonestly { misappropriating  
converting to his own use } { money,  
provisions,  
forage,  
arms,  
clothing,  
ammunition,  
tools,  
instruments,  
equipments,  
military stores, } the property of Government entrusted to him.



- (b) Dishonestly { receiving  
retaining } { money,  
provisions,  
forage,  
arms,  
clothing,  
ammuni-  
tion,  
tools,  
instruments,  
equipments,  
military  
stores, } the pro-  
perty of  
Govern-  
ment { knowing  
having  
reason to  
believe } { the same  
to have  
been dis-  
honestly } { misap-  
propriated  
converted  
to his own  
use } by a  
person  
to whom } { it was  
they  
were } en-  
trusted.
- (c) Wilfully { destroying  
injuring } Government property entrusted to him.
- (d) Committing theft in respect  
of the property of { Government:  
a military { mess,  
band,  
institution,  
subject to the military law.  
a person { serving with  
attached to } the army.
- (e) Dishonestly { receiving  
retaining } { knowing  
having  
reason to  
believe } { it to be  
stolen,  
the pro-  
perty of } { Government:  
a military { mess,  
band,  
institution,  
subject to military law.  
a person { serving  
with  
attached to } the army.
- (f) Such an offence as  
is mentioned in  
clause (f) of sec-  
tion thirty-one of  
the Indian Army  
Act. } with intent to { defraud.  
cause wrongful gain to a person.  
cause wrongful loss to a person.
- (g) (1) Malingering.  
(2) { Feigning } disease, } in himself  
Producing } infirmity, }  
(3) Intentionally { delaying his cure.  
aggravating his } disease,  
infirmity.
- (h) Voluntarily causing hurt to { himself  
a person } with intent to render { himself  
that person } unfit for service.
- (i) (1) Committing an offence of { a cruel  
an indecent } kind,  
an unnatural }  
(2) Attempting to commit an offence of { a cruel  
an indecent } kind and doing an act toward its commission.  
an unnatural }

## INTOXICATION.

## SECTION 32.

Intoxication.

## OFFENCES IN RELATION TO PERSONS IN CUSTODY.

## SECTION 33.

- { Releasing without proper authority  
Negligently suffering to escape } { a State prisoner  
an enemy  
a person taken in arms against the State } placed under his charge.

## SECTION 34.

- (a) When in command of a { guard,  
patrol, } refusing to receive a { prisoner  
person } duly committed to his charge.
- (b) { Releasing without proper authority  
Negligently suffering to escape } { a prisoner  
a person } placed under his charge.
- (c) When in military custody leaving such custody before being set at liberty by proper authority.

## OFFENCES IN RELATION TO PROPERTY.

## SECTION 35.

- (a) (1) Committing extortion.  
(2) Extorting, without proper authority { carriage  
portage  
provisions } from a person.
- (b) In time of peace, { committing house-breaking for the purpose of plundering.  
plundering { a field,  
destroying { a garden,  
damaging { other property. }
- (c) { Designedly  
Through neglect } { killing  
injuring  
making away with  
ill-treating  
losing } { his horse.  
an animal used in the public service.

- (d) { Making away with  
Being concerned in making  
away with } his { arms,  
ammunition,  
equipments,  
instruments,  
tools,  
clothing,  
regimental necessaries.
- (e) Losing by neglect his { arms,  
ammunition,  
equipments,  
instruments,  
tools,  
clothing,  
regimental necessaries.
- (f) wilfully injuring { arms,  
ammunition,  
equipments,  
instruments,  
tools,  
clothing,  
regimental necessaries,  
property belonging to { Government,  
a military { mess,  
band,  
institution,  
subject to military law,  
a person { serving with  
attached to } the army.
- (g) { Selling  
Pawning  
Destroying  
Defacing } a medal  
a decoration } granted to him.

## OFFENCES IN RELATION TO FALSE DOCUMENTS AND STATEMENTS.

## SECTION 36.

- (a) Making a false accusation against a person subject to military law knowing such accusation to be false.
- (b) In making a complaint under section 117 of the Indian Army Act { knowingly making a false statement affecting the character of person subject to military law.  
knowingly and wilfully suppressing a material fact.
- (c) { Obtaining  
Attempting to  
obtain } for him-  
self or  
for a person { a pension  
an allowance  
an advantage  
a privilege } by a false statement which he { knew  
believed  
did not believe to be true. } to be false.  
by making { a false entry in a { book,  
record,  
by making a document containing a false statement.  
true entry,  
by omitting to make a { document containing a true statement.
- (d) { Knowingly furnishing a false  
Omitting  
Refusing } through { design  
culpable  
neglect } to { make  
send } a { return  
report } of { the number  
the state  
money  
arms  
ammunition  
clothing  
equipments  
stores  
[other  
property] } of the men { command,  
under his { charge.  
the men { com-  
mand,  
under his { charge,  
the Government,  
a person in { the  
army.  
attached  
to }

## SECTION 37.

Making a wilfully false answer to a question set forth in the prescribed form of enrolment which was put to him by the enrolling officer before whom he appeared for the purpose of being enrolled.

## OFFENCES IN RELATION TO COURTS-MARTIAL.

## SECTION 38.

- (a) When duly summoned to attend as a witness before a court-martial { intentionally omitting to attend.  
refusing to { be sworn,  
make affirmation,  
answer a question.  
produce { a book  
deliver { a docu-  
up { ment  
[other thing] } which he has  
been duly  
warned and  
called upon  
to } produce.  
deliver up.
- (b) (1) Intentionally { offering an insult  
causing { an interruption  
a disturbance } to a court-martial whilst sitting.
- (2) { Using a { menacing  
disrespectful { word  
sign  
Being { insubordinate  
violent { gesture } in the presence of a court-martial whilst sitting.
- (c) Having been duly { sworn  
affirmed } before { a court-martial  
a military court competent  
to administer an oath, or  
affirmation } making a { false state-  
ment which  
he { knew  
believed  
did not believe to be true. } to be false.

## MISCELLANEOUS MILITARY OFFENCES.

## SECTION 39.

- (a) Behaving in a manner unbecoming the position and character of { an officer.  
a warrant officer.
- (b) { Striking  
ill-treating } a person subject to the Indian Army Act being his { rank,  
subordinate is subordinate in position,
- (c) When in command { at a post, { receiving a complaint { beaten  
on the march, { that a person under his command has { maltreated  
{ oppressed  
{ disturbed  
{ committed } a person, } and failing to have due  
reparation made to  
the injured person or  
to report the case to  
the proper authority..
- (d) By defiling a place of { intentionally { insulting the  
worship, { wounding the  
[Otherwise] { religious feel-  
ings } of a person.
- (e) Attempting to commit suicide and doing an act towards the commission of the same.
- (f) Being below the rank of { sword { without proper { in  
warrant officer and car- { blade or { authority { about  
rying when off duty a { weapon } { going to  
returning from } camp,  
cantonnments,  
a town,  
a bazar,  
a town,  
a bazar.
- (g) { Accepting  
Obtaining  
Agreeing  
to accept  
Attempting  
to obtain } { for himself  
[for any  
other person] } { a gratification  
as a } { motive  
reward } { for pro-  
curing } { the enrolment of a person.  
leave of  
absence  
promotion  
an advantage  
an indulgence } for a person in the service.
- (h) Neglecting to obey { general  
garrison  
[other] } orders.
- (i) { An act  
An omission } prejudicial to good order and military discipline.

## ABETMENT.

## SECTION 40.

Abetment within the meaning of the Indian Penal Code of an offence punishable under the Indian Army Act.

## CIVIL OFFENCES.

## SECTION 41.

{ In a place beyond  
When on active service in } British India { Committing a civil offence, that is to say, (state the offence as described  
in the Indian Penal Code or other law in force in British India.)

## SECTION 42.

- (1) { Committing  
Attempting to commit  
Abetting the commission of } an offence punishable under Chapter VI of the Indian Penal Code, that  
is to say, (state the offence as described in the Code).
- (2) { Committing  
Attempting to commit  
Abetting the commission of } { murder  
culpable homicide } against a person subject to military law.
- (3) { Voluntarily causing  
Attempting to voluntarily cause  
Abetting the voluntarily causing of } { hurt  
grievous hurt } against a person subject to military law.

Charges for other offences referred to in section 42 will be similarly framed, the offences being stated as described in the Indian Penal Code (sections 324, 326 to 335, or 506) and the words "against a person subject to military law" added.

## ILLUSTRATION OF CHARGE.

NOTE.—The following is an illustration of a complete charge sheet, with statement of offence and particulars, as it would be placed before a district court-martial:—

## Charge-sheet.

The accused No. 240, Sepoy Ali Baksh, —th Punjabis, is charged with—

First charge Section 37 (e)

Disobeying the lawful command of his superior officer.

in that he at Allahabad, on the 28th  
January 1911, disobeyed the lawful command of his superior officer, Jemadar Futeh Khan  
of the same regiment to turn out for Commanding Officer's parade, by not turning out.

Second charge, Section 28 (a).

*Being grossly insubordinate to his superior officer in the execution of his office,*  
in that he at Allahabad, on the 28th January 1911, when confined by Jemadar Futteh Khan of the same regiment on the first charge, said to him "I am a better man than you and will not go to the guard-room by your order" or words to that effect.

A. B.,

Commanding—th Punjabis.

Allahabad,

31st January 1911.

\* To be tried by a district court-martial

X. Y.,

Commanding Allahabad Brigade (or Staff Officer, who should sign for Officer Commanding Allahabad Brigade.)

Allahabad,

1st February 1911.

• When sanction is accorded for the trial of grave offences by summary court-martial (I. A. A. section 74, proviso) a similar entry should be made on the charge-sheet.

### THIRD APPENDIX.

#### FORMS AS TO COURTS-MARTIAL.

#### FORMS FOR ASSEMBLY OF COURTS-MARTIAL.

##### No. 1.—General and District.

- Form of order for the Assembly of a General [or District] Court-Martial under the Indian Army Act.

Orders by  
Commanding the  
(Place Date).

The detail of officers as mentioned below will assemble at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ for the purpose of trying \_\_\_\_\_ court-martial the accused person (persons) named \_\_\_\_\_ in the margin [and such other person or persons as may be brought before them].

[Seven officers are not, due regard being had to the public service, available.]

The senior officer to sit as President.

#### MEMBERS.

#### WAITING MEMBERS.

JUDGE-ADVOCATE [or Superintending Officer].

is appointed Judge-Advocate [or Superintending Officer.]

#### [INTERPRETER.

is appointed interpreter].

The accused will be warned, and all witnesses duly required to attend.

The proceedings (of which only one copy is required) will be forwarded to  
Signed this \_\_\_\_\_ day of \_\_\_\_\_

A. B.

*Note—*  
These members and the waiting members may be mentioned by name or the number and ranks and the mode of appointment may alone be named.

## No. 2.—Summary General.

[See combined form for assembly and proceedings, below.]

## No. 3.—Declaration for Suspension of Rules.

*Form of Declaration of Military Exigencies or the Necessities of Discipline under Rule 25.*

\* [or the necessities of discipline] In my opinion [\* military exigencies, namely (state them)] render it [† impossible] to observe the provisions of rules‡ on the trial of \_\_\_\_\_ by \_\_\_\_\_  
 † [or Inexpedient.] of \_\_\_\_\_  
 ‡ State the rule or rules which cannot be observed. court-martial assembled pursuant to the order of the \_\_\_\_\_  
 (See Rule 25.) Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_

A. B.

[Instruction.—This declaration must be signed by the officer whose opinion is given, and will be annexed to the proceedings. It should not be included in the Convening Order but should be a separate document.]

## FORMS OF PROCEEDINGS OF COURTS-MARTIAL.

*Form of Proceedings of a General (or District) Court-Martial (including some of the incidents which may occur to vary the ordinary course of procedure, with Instructions for the guidance of the Court).*

PROCEEDINGS OF A COURT-MARTIAL, held at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_  
 19 \_\_\_\_\_, by order of \_\_\_\_\_  
 \_\_\_\_\_, dated the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

## PRESIDENT.

Rank.

Name.

Regiment.

\_\_\_\_\_  
 \_\_\_\_\_

## MEMBERS.

Rank.

Name.

Regiment.

\_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_, Judge-Advocate, [or Superintending Officer],

[—Interpreter.]

Trial of\* \_\_\_\_\_

*Here insert No., Rank, Name and Regiment, and appointment (if any).*

at \_\_\_\_\_ o'clock the trial commences.

(1) The order convening the Court is read [orally translated], and [a copy thereof] is marked \_\_\_\_\_ signed by the president [judge-advocate or superintending officer], and attached to the proceedings.

The charge-sheet and the summary of evidence are laid before the Court.

[Instruction.—All documents relating to the Court, or the matters before it, which are intended to form part of the proceedings (such as an order respecting military exigencies, or a letter answering any question referred to the convening officer) at whatever period of the trial they are received should be read in open Court, marked so as to identify them, signed by the president (judge-advocate or superintending officer, and attached to the proceedings.)

The Court satisfy themselves as provided by Rules 31 and 32.

*† Here state Rank and Name and Regiment (if any).*

(2)† \_\_\_\_\_ appears as prosecutor, and takes his place.

The above-named, the accused, is brought before the Court.

## VARIATION.

appears as counsel for the prosecutor.

• appears to assist [or as counsel for] the accused.

The names of the president and members of the Court are read over in the hearing of the accused, and they severally answer to their names.

Do you object to be tried by me as president, or by any of the officers whose name you have heard read over? *Question by the President to the accused. Answer by accused.*

No.

• [Instruction.—The questions are to be numbered throughout consecutively in a single series. The letters Q. and A. in the margin may stand for Question and Answer respectively.]

## VARIATIONS.

## CHALLENGING OFFICERS.

Answer.—I object to

Question to accused.—Do you object to any other person?

(This question must be repeated until all the objections are ascertained.)

Answer.—

Question to accused.—What is your objection to (the junior officer objected to)?

Answer by accused.—

The accused in support of his objection to \_\_\_\_\_, requests permission to call \_\_\_\_\_ etc., etc., \_\_\_\_\_ is called into Court, and is questioned by the accused.

The Court is closed to consider the objection.

Decision.—The Court disallow the objection.

• The Court is re-opened, and the above decision is made known to the accused.

or,

Decision.—The Court allow the objection.

The Court is re-opened, and the above decision is made known to the accused.

retires.

Fresh Member.—\* takes his place as a member of the Court.

He appears to the Court to be eligible and not disqualified to serve on this court-martial.

*\*Insert Rank, Name and Regiment.*

Question to accused.—Do you object to be tried by (the fresh member)?

Answer.—

(If he objects, the objection will be dealt with in the same manner as the former objection.)

Question to the accused.—What is your objection to (the junior of the officers objected to)?

(This objection will be dealt with in the same manner as the former objection.)

The Court adjourn for the purpose of fresh members being appointed.

or,

The Court is of the opinion that, in the interests of justice and for the good of the service, it is inexpedient to adjourn for the purpose of fresh members being appointed, because [here state the reasons].

At \_\_\_\_\_ o'clock on \_\_\_\_\_ the Court resumed their proceedings, and an order appointing fresh officers is read, marked \_\_\_\_\_ and attached to the proceedings.

The Court satisfy themselves with respect to such fresh officers as provided by Rule 31.

[Instruction.—*The procedure as to challenging fresh officers, and the procedure, if any objection is allowed, will be the same as above.*]

The president and members of the Court, as constituted after the above proceedings are as follows :—

PRESIDENT.		
<i>Rank</i>	<i>Name.</i>	<i>Regiment.</i>
_____	_____	_____
MEMBERS.		
<i>Rank.</i>	<i>Name.</i>	<i>Regiment.</i>
_____	_____	_____
_____	_____	_____
_____	_____	_____

The president, members, and judge-advocate [superintending officer] are duly sworn [or affirmed] (also any officer under instruction).

[Instruction.—(1) *The witnesses if in Court, other than the prosecutor, should be ordered out of the Court at this stage of the proceedings.*

(2) *Also any interpreter and short-hand writer should be now sworn.*]

Question to the accused. Do you object to \_\_\_\_\_ as interpreter ?

[Instruction.—*In case of objection the same procedure will be followed as in the case of an objection to a member of the Court.*]

Do you object to \_\_\_\_\_ as short-hand writer ?

[Instruction.—*In case of objection the same procedure will be followed as in the case of an objection to a member of the Court.*]

#### CHARGE-SHEET.

Charge-sheet.

(3) The charge-sheet is signed by the president, [judge-advocate or superintending officer] marked \_\_\_\_\_ and annexed to the proceedings.

The accused is arraigned upon each charge in the above-mentioned charge-sheet.

Question to the accused.

Are you guilty or not guilty of the [first] charge against you, which you have heard read?

A.

[Instruction.—*When there is more than one charge the foregoing question will be asked after each charge is read, the number of the charge being stated.*]

[Instruction.—*If the accused pleads guilty to any charge, the provisions of Rule 42 (B) must be complied with and the fact that they have been complied with must be recorded*]

#### VARIATIONS.

The accused objects to the charge.

Question to the accused.

What is your objection?

Decision.

The Court is closed to consider their decision.

The Court disallow the objection [or, the Court allow the objection, and agree to report to the convening officer.]

The Court is re-opened, and the above decision is read to the accused.

The Court proceed to the trial [or adjourn].

Plea to jurisdiction.

The accused pleads to the general jurisdiction of the Court.

Question to the accused.  
A.

What are the grounds of your plea?

Do you wish to produce any evidence in support of your plea?

Q.

A.

Witness is examined on oath [or affirmation].

[Instruction.—The examination, etc., of the witnesses called by the accused and of any witnesses called by the prosecutor in reply, will proceed as directed below in paragraphs (5) and (6). The prosecutor will be entitled to reply after all the evidence is given.]

The Court is closed to consider their decision.

The Court allow [or overrule] the plea [or, resolve to refer the point to the convening authority, or decide specially that].

The Court is re-opened, and the above decision is read to the accused.

The Court proceed to the trial [or adjourn].

#### VARIATION.

Accused, besides the plea of guilty [or, not guilty], offers a plea in bar of trial.

Plea in bar of trial.

What are the grounds of your plea?

Question to the accused.

A.

Q.

Do you wish to produce any evidence in support of your plea?

A.

Witness examined on oath [or affirmation].

[Instruction.—The examination, etc., of the witnesses called by the accused, and of any witnesses called by the prosecutor in reply, will proceed as directed below in paragraphs (5) and (6). The prosecutor will be entitled to reply after all the evidence is given.]

The Court is closed to consider their decision.

The Court allow the plea and resolve to adjourn [or to proceed to the trial on another charge] [or the Court overrule the plea].

The Court is re-opened, and the above decision is read to the accused.

The Court adjourn [or proceed with the trial on another charge] [or proceed with the trial].

As the accused does not plead intelligibly [or refuses to plead to the above charge, or Refusal to plead, does not plead guilty to the above charge] the Court enter a plea of "Not guilty."

#### PROCEEDINGS ON PLEA OF GUILTY.

(4) The accused [number, rank, name, regiment] is found guilty of the charge [all the charges]

is found guilty of the charge, and is found not guilty of the charge.

[Instruction.—If the trial proceeds upon any charge to which there is a plea of not guilty, the Court will not proceed upon the record of the plea of guilty until after the finding on those other charges; and in that case the Court will be re-opened and the charge on which the record is guilty must be read to the accused again.]

The accused may in accordance with rule 44(B) make any statement he wishes in reference to the charge.]

The summary of evidence is read, [orally translated] marked, signed by the president [judge-advocate or superintending officer], and attached to the proceedings.

[Instruction.—If there is no summary of evidence, sufficient evidence to enable the Court to determine the sentence and to enable the confirming officer to know all the circumstances connected with the case will be taken as in paragraph (5). No address will be allowed.]

#### VARIATION.

The Court being satisfied from the statement of the accused [or the summary of evidence, or otherwise], that the accused did not understand the effect of the plea of "guilty" alters the record and enters a plea of "not guilty."

[Instruction.—The Court will then proceed in respect of this charge as in paragraph (5).]



Question to the  
accused.

A.

Do you wish to make any statement in mitigation of punishment?

No or

The accused in mitigation of punishment says [or if the statement is in writing, hand in a written statement, which is read [orally translated], marked signed by the president, [judge-advocate or superintending officer] and attached to the proceedings.

[Instruction.—If the statement of accused is not in writing, and is delivered by himself, the material portions should be taken down in the first person, and as nearly as possible in his own words.

If the statement is not in writing and not delivered by the accused himself the material portions should be recorded.

In either case any matter which is requested by or on behalf of the accused to be recorded should be recorded, and care must be taken, whether a request is made or not, to record every point brought forward in mitigation of punishment.]

#### VARIATION.

The Court give permission to the accused to call witnesses to prove his above statement that [here specify the statement which is to be proved.]

[Instruction.—(1) The examination, &c., of witnesses called in pursuance of this permission will proceed in the same manner as under paragraph (6).

(2) The procedure as to sentence, recommendation to mercy, and confirmation will be as in paragraphs (11) and (13).]

Evidence as to  
character.

Question to the  
accused.

A.

Do you wish to call any witnesses as to character?

Yes. [No.]

[Instruction.—(1) The examination, &c., of witnesses as to character will proceed as in paragraph (6).

(2) Evidence as to character and particulars of service will be taken as in paragraph (11).]

#### PROCEEDINGS ON PLEA OF NOT GUILTY.

(5) [If the prosecutor makes an address.] The prosecutor makes the following address, [or, if the address is written, hands in a written address, which is read, (orally translated) marked , signed by the president, (judge-advocate or superintending officer) and attached to the proceedings].

[Instruction.—Where the address of the prosecutor is not in writing, the Court should record so much as appears to them material, and so much as the prosecutor requires to be recorded.]

The prosecutor proceeds to call witnesses.

\* being duly sworn [affirmed] is examined by the prosecutor.

First witness for  
prosecution.

\* Here insert his  
number, rank, name,  
and regiment, and  
appointment (if any)  
or other description.

Cross-examined by the Accused.

Re-examined by the Prosecutor.

Examined by the Court.

His evidence is read to the witness.

[Instruction.—The fact that Rule 127 (B), (C), (D) have been complied with should be recorded.]

The witness withdraws.

## VARIATIONS.

The accused declines to cross-examine this witness.

[Instruction.—In every case where the accused does not cross-examine a witness for the prosecution this statement is to be made, in order that it may appear on the face of the proceedings that he has had the opportunity given him of cross-examination.]

The Court, at the request of the accused, allow the cross-examination of the witness to be postponed.

The accused [or the prosecutor] objects to the following question :—

The Court is closed to consider their decision.

The Court overrule [or allow] the objection, and the Court is re-opened and the decision announced.

The witness, on his evidence being read to him, makes the following explanation or alteration :—

Examined by the prosecutor as to the above explanation or alteration.

Examined by the accused as to the above explanation or alteration.

The prosecutor and accused decline to examine him respecting the above explanation or alteration.

being duly sworn, (affirmed) is examined by the prosecutor.

Second witness for prosecution.

[The examination, etc., of this and every other witness proceeds as in the case of the first witness.]

At o'clock the Court adjourn until o'clock on the  
On the of 19, at o'clock, the Court re-assemble,  
pursuant to adjournment, present the same members as on the of .

Adjournment.

Second day.

## VARIATION.

[Instructions.—(1) If a member is absent, and his absence will reduce the Court below the legal minimum and it appears to the members present that the absent member cannot attend within a reasonable time, the president or senior member present will thereupon report the case to the convening officer.

(2) If the judge-advocate or superintending officer is absent, and cannot attend within a reasonable time, the Court will adjourn, and the president will thereupon report the case to the convening authority. (See Rule 90.)]

[Rank—Name—Regiment] being absent.

[The absence is accounted for.]

Absent member.

A medical certificate [or letter, or as the case may be], is produced, read, marked, and attached to the proceedings.

The Court adjourn until .

or,

There being present [not less than the legal minimum] members, the trial is proceeded with.

An order bearing date appointing , to act as Judge-Advocate in the place of , who , is read, marked , signed by the president [Judge-advocate] and attached to the proceedings, and the new Judge-Advocate duly sworn affirmed.

New Judge-Advocate.

The trial is proceeded with.

[Instructions.—(1) If the Court, in consequence of the adjournment having been prolonged by the senior officer on the spot, or otherwise, do not meet on the day to which they previously adjourned, or if the adjournment was until further orders, the words